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**LEGISLATIVE ASSEMBLY
OF ONTARIO**

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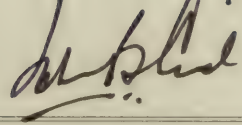
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2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act to amend Certain Acts
in respect of Assessment Appeal Procedures**

THE HON. R. MCMURTRY
Attorney General

BILL 140

1982

An Act to amend Certain Acts in respect of Assessment Appeal Procedures

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to the *Assessment Review Court Act*, being chapter 32 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

*Assessment
Review
Court
Act*, title,
re-enacted

ASSESSMENT REVIEW BOARD ACT

2. Where in any general or special Act or in any regulation, by-law or instrument, reference is made,

Amendments
to
references

 - (a) to the *Assessment Review Court Act*;

R.S.O. 1980,
c. 32
 - (b) to the Assessment Review Court; or
 - (c) to the "Court" or the "court", meaning the Assessment Review Court,

the reference, in the case mentioned in clause (a), shall be deemed to be to the *Assessment Review Board Act* and in the cases mentioned in clauses (b) and (c), to the Assessment Review Board.

- 3.—(1) Clause 1 (i) of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, is repealed.

R.S.O. 1980,
c. 31,
s. 1 (i),
repealed
- (2) Section 39 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 7, is repealed and the following substituted therefor:

R.S.O. 1980,
c. 31, s. 39,
re-enacted

39.—(1) Any person, including a municipality or a school board, may complain in writing to the Assessment Review Board that he or another person,

Complaint to
Assessment
Review Board

- (a) was assessed too high or too low;

(b) was wrongly placed on or omitted from the assessment roll;

(c) was wrongly placed on or omitted from the roll as a public or separate school supporter.

Time for
making
complaint

(2) A complaint shall state a name and address where notices can be given to the complainant and shall be delivered or mailed to the regional registrar of the Assessment Review Board within twenty-one days after the assessment roll is required to be returned or within twenty-one days after the roll is returned, whichever is later.

Where
complaint
concerns
another
person

(3) Where the complaint concerns the assessment of another person,

(a) the complaint shall state a name and address where notices can be given to the person; and

(b) the complainant shall deliver or mail a copy of the complaint to the person within the time limited by subsection (2).

Copy of
complaints
to assessment
commissioner

(4) The regional registrar shall forthwith transmit a copy of all complaints received by him to the assessment commissioner.

Parties

(5) The parties to the proceedings are the assessment commissioner, the municipality, all persons complaining and all persons whose assessment is complained of.

Notice of
hearing

(6) The regional registrar shall give notice of any hearing by the Assessment Review Board to the parties at least fourteen days before the date fixed for the hearing.

Adding party

(7) Where during the hearing it appears that another person should be a party to the hearing, the Board shall add the person as a party and, if necessary, adjourn and give the person notice of the hearing.

Preliminary
explanation

(8) Where value is a ground of complaint that is proceeded with, at the commencement of the hearing the assessor shall explain the manner in which the assessment was arrived at and the complainant shall explain the nature of his complaint.

Time for
determination
of school
support

(9) Liability in respect of public or separate school support shall be determined in accordance with the circumstances existing at the time the complaint was made.

Correction
of errors

(10) Where it appears during the hearing that there are palpable errors in the assessment roll, if no alteration of assessed

values is involved, the Board may correct the roll and, where alteration of assessed values is involved, the Board may extend the time for making complaints and the assessor may be or may be directed by the Board to be the complainant.

(11) After hearing the evidence and the submissions of the parties, the Board shall determine the matter and, in complaints involving value, shall determine the amount of the assessment. Board to make determination

(12) The decision of the Assessment Review Board shall be forwarded by the regional registrar to the clerk of each municipality and the clerk of the municipality shall forthwith, Alteration of roll by clerk

(a) alter the assessment roll in accordance with the decisions of the Board from which no appeal is taken and shall write his name or initials against every alteration, and shall complete the roll by totalling the amounts of the assessments therein and inserting such total; or

(b) where data processing equipment is used and as an alternative to complying with clause (a), cause to be prepared a new assessment roll which shall include all changes that have been made by the Board and from which no appeal is taken and shall initial each entry so changed and shall complete the roll by totalling the amounts of the assessments therein and inserting each total.

(3) Section 41 of the said Act is amended by inserting after "court" in the fourth line "or tribunal". R.S.O. 1980, c. 31, s. 41, amended

(4) Sections 42 to 45 and section 46 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 8, are repealed. R.S.O. 1980, c. 31, ss. 42-46, repealed

(5) Section 47 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 9, is repealed and the following substituted therefor: R.S.O. 1980, c. 31, s. 47, re-enacted

47.—(1) An appeal lies to the Ontario Municipal Board from the decision of the Assessment Review Board under section 39. Appeal to O.M.B.

(2) The party appealing shall, within twenty-one days of the mailing of the decision of the Assessment Review Board, deliver or mail to the regional registrar of the Assessment Review Board a notice of appeal accompanied by the fee prescribed by the Ontario Municipal Board under the *Ontario Municipal Board Act*. Notice of appeal R.S.O. 1980, c. 347

Delivery of
notice of
appeal

(3) The regional registrar of the Assessment Review Board shall forthwith deliver or mail a copy of the notice of appeal to the other parties.

Material
to be
forwarded
to O.M.B.

(4) The regional registrar shall forward to the Ontario Municipal Board the notice of appeal, the amount of the fee mentioned in subsection (2) and any other material in his possession necessary for the hearing of the appeal.

New trial

(5) The appeal shall be by way of a new trial.

Alteration
in roll as
result of
O.M.B.
decision
or appeal
therefrom

(6) If by the decision of the Ontario Municipal Board or by the decision on an appeal therefrom, it appears that any alteration should be made in the assessment roll respecting the assessment in question, the clerk of the municipality shall, except where an appeal from the decision is commenced, alter the assessment roll to give effect to the decision and shall write his name or initials against every alteration.

R.S.O. 1980,
c. 31, s. 48 (1),
amended

(6) Subsection 48 (1) of the said Act is amended by striking out "Assessment Review Court, county judge or Ontario Municipal Board hearing an appeal under section 43, or the Divisional Court" in the second, third and fourth lines and inserting in lieu thereof "Assessment Review Board, Ontario Municipal Board or court".

R.S.O. 1980,
c. 31, s. 49 (1),
amended

(7) Subsection 49 (1) of the said Act is amended by striking out "Assessment Review Court, county judge" in the second line and in the seventh and eighth lines and inserting in lieu thereof in each instance "Assessment Review Board".

R.S.O. 1980,
c. 31, s. 49 (2),
re-enacted

(8) Subsection 49 (2) of the said Act is repealed and the following substituted therefor:

Decision
re quantum,
etc., final

(2) A decision of the Assessment Review Board or Ontario Municipal Board with regard to persons alleged to be wrongfully placed upon or omitted from the assessment roll or assessed at too high or too low a sum is final and binding unless appealed in accordance with the provisions of this Act or the *Ontario Municipal Board Act*.

R.S.O. 1980,
c. 347

R.S.O. 1980,
c. 31, s. 49 (3),
amended

(9) Subsection 49 (3) of the said Act is amended by striking out "39, 42 and 47" in the second line and inserting in lieu thereof "39 and 47".

R.S.O. 1980,
c. 31, s. 50 (6),
amended

(10) Subsection 50 (6) of the said Act is amended by striking out "Assessment Review Court, a judge of the county court" in the second and third lines and inserting in lieu thereof "Assessment Review Board" and by striking out "Assessment Review Court, the judge of the county court" in the sixth and

seventh lines and inserting in lieu thereof "Assessment Review Board".

- (11) Clauses 51 (b), (c) and (d) of the said Act are repealed and the following substituted therefor: R.S.O. 1980,
c. 31,
s. 51 (b, c),
re-enacted;
s. 51 (d),
repealed
- (b) where a complaint with respect to the assessment is made to the Assessment Review Board, except within the time limited for appealing from the Assessment Review Board to the Ontario Municipal Board; and
- (c) where an appeal is made from the decision of the Assessment Review Board to the Ontario Municipal Board, except within fifteen days after the date of the decision of the Ontario Municipal Board,
-
- (12) Subsection 55 (7) of the said Act is repealed. R.S.O. 1980,
c. 31, s. 55 (7),
repealed
- (13) Subsection 55 (8) of the said Act is amended by striking out "the judgment of the Divisional Court" in the first and second lines and inserting in lieu thereof "an appeal therefrom". R.S.O. 1980,
c. 31, s. 55 (8),
amended
- (14) Subsection 65 (1) of the said Act is repealed and the following substituted therefor: R.S.O. 1980,
c. 31, s. 65 (1),
re-enacted
- (1) The Assessment Review Board, Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review Board, Ontario Municipal Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property. Powers
on appeal
- 4.—(1) Subsection 370 (2) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by striking out "or county judge" in the fourth line. R.S.O. 1980,
c. 302,
s. 370 (2),
amended
- (2) Subsections 496 (17) to (21) of the said Act are repealed and the following substituted therefor: R.S.O. 1980,
c. 302,
s. 496 (17, 18),
re-enacted;
s. 496 (19-21),
repealed
- (17) An appeal lies to the Municipal Board from a decision of the Assessment Review Board under this section and subsections Appeal to
O.M.B.

R.S.O. 1980,
c. 31

47 (2) to (5) of the *Assessment Act* apply with necessary modifications.

Powers of
Assessment
Review Board
and Municipal
Board

(18) The Assessment Review Board and the Municipal Board have, in respect of hearings under this section, the same powers as the council has under subsection (7).

R.S.O. 1980,
c. 302,
s. 496 (25),
re-enacted

(3) Subsection 496 (25) of the said Act is repealed and the following substituted therefor:

Notice of
decision to
assessment
commissioner

(25) A copy of any notice of a decision of the council, Assessment Review Board or Municipal Board shall be delivered or mailed to the assessment commissioner, but failure to comply with this subsection does not invalidate the proceedings taken under this section.

R.S.O. 1980,
c. 302,
s. 497 (3),
amended

(4) Subsection 497 (3) of the said Act is amended by striking out "subsection (2)" in the sixth line and inserting in lieu thereof "subsection (1)".

R.S.O. 1980,
c. 302,
s. 497 (11-13),
re-enacted;
s. 497 (14-16),
repealed

(5) Subsections 497 (11) to (16) of the said Act are repealed and the following substituted therefor:

Appeal to
O.M.B.

(11) An appeal lies to the Municipal Board from a decision of the Assessment Review Board under this section and subsections 47 (2) to (5) of the *Assessment Act* apply with necessary modifications.

Powers of
Assessment
Review Board
and Municipal
Board

(12) The Assessment Review Board and the Municipal Board in dealing with appeals and recommendations under this section have the same powers as the council has under subsection (5).

When
increases
payable

(13) The amount of any increase in taxes is not payable until the time for taking an appeal has expired and is not subject to any penalties applicable to taxes that are overdue or unpaid until the amount is payable.

R.S.O. 1980,
c. 302,
s. 497 (18),
re-enacted

(6) Subsection 497 (18) of the said Act is repealed and the following substituted therefor:

Notice of
decision to
assessment
commissioner

(18) A copy of any notice of a decision of the council, Assessment Review Board or Municipal Board shall be delivered or mailed to the assessment commissioner, but failure to comply with this subsection does not invalidate the proceedings taken under this section.

R.S.O. 1980,
c. 250,
s. 15 (2),
amended

5.—(1) Subsection 15 (2) of the *Local Improvement Act*, being chapter 250 of the Revised Statutes of Ontario, 1980, is amended by striking out "by the judge" in the fourth line and inserting in lieu thereof "on appeal therefrom".

(2) Subsection 36 (2) of the said Act is amended by striking out "a county judge" in the first and second lines and inserting in lieu thereof "the Board". R.S.O. 1980, c. 250, s. 36 (2), amended

(3) Section 51 of the said Act is amended by striking out "to the judge" in the fifth and sixth lines. R.S.O. 1980, c. 250, s. 51, amended

(4) Section 52 of the said Act is repealed and the following substituted therefor: R.S.O. 1980, c. 250, s. 52, re-enacted

52.—(1) The council or owner of a lot specially assessed may, within twenty-one days of the mailing of the decision of the court of revision, appeal to the Board. Appeal to O.M.B.

(2) The Board has the same jurisdiction and powers as are conferred on the court of revision by section 48 and the provisions of section 50 apply where it appears to the Board that any lot not specially assessed ought to be so assessed. Powers of Board

6. The *Ontario Municipal Board Act*, being chapter 347 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: R.S.O. 1980, c. 347, s. 5a, enacted

5a.—(1) There is hereby established a division of the Board to be known as the Assessment Appeals Division. Assessment Appeals Division established

(2) Every member of the Board is a member of the Assessment Appeals Division. Membership

(3) The Lieutenant Governor in Council may appoint persons to the Board to sit exclusively on appeals heard by the Assessment Appeals Division under subsection (4). Appointment by L.G. in C.

(4) The Assessment Appeals Division shall hear and determine all appeals to the Board under, Jurisdiction of Assessment Appeals Division

(a) section 47 of the *Assessment Act*; R.S.O. 1980, cc. 31, 302, 250

(b) sections 407, 496 and 497 of the *Municipal Act*;

(c) section 52 of the *Local Improvement Act*; and

(d) subsections 7 (1) and (2) of the *Assessment Appeals Procedure Statute Law Amendment Act, 1982*. 1982, c. . . .

(5) Section 94 does not apply to an order or decision of the Assessment Appeals Division. Non-application of s. 94

7.—(1) Where, before the coming into force of this Act, an appeal has been taken under the *Assessment Act* or the *Municipal Act* Transitional R.S.O. 1980, cc. 31, 302, 250

from a decision of the Assessment Review Court to a judge of a county or district court, or under the *Local Improvement Act* from a decision of a court of revision to a judge of a county or district court,

- (a) where a date has been fixed for the hearing of the appeal, the appeal shall be heard and determined by the judge; and
- (b) where a date has not been fixed for the hearing of the appeal, the appeal shall be heard and determined by the Ontario Municipal Board.

Appeal from
county judge

- (2) Where an appeal is heard and determined by a judge of a county or district court under clause (1) (a), an appeal lies from the decision of the judge in the same manner as if this Act had not been passed.

Material
to be
forwarded
to O.M.B.

- (3) Where an appeal is to be heard by the Ontario Municipal Board under clause (1) (b),

R.S.O. 1980,
cc. 31, 302,
250

- (a) in the case of an appeal under the *Assessment Act* or the *Municipal Act*, the regional registrar of the Assessment Review Board; and
- (b) in the case of an appeal under the *Local Improvement Act*, the clerk of the municipality,

shall forward to the Ontario Municipal Board the notice of appeal and any other material in his possession necessary for the hearing of the appeal.

Commence-
ment

- 8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

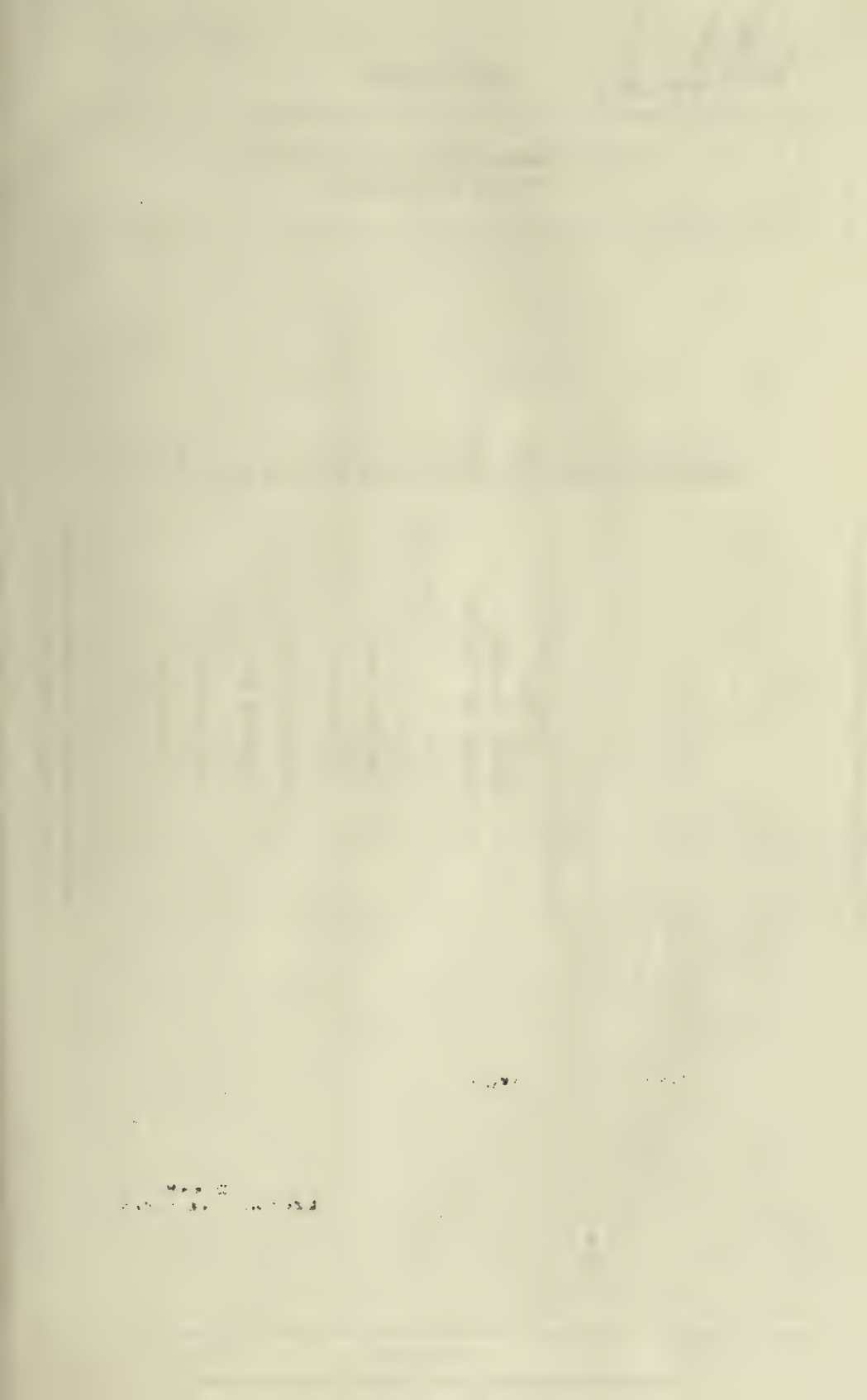
Short title

- 9. The short title of this Act is the *Assessment Appeals Procedure Statute Law Amendment Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR July 7 1982

Roderic Fleury

CLERK
LEGISLATIVE ASSEMBLY



Bill 10

An Act to amend Certain Acts in
respect of Assessment Appeal Procedures

1st Reading

June 8th, 1982

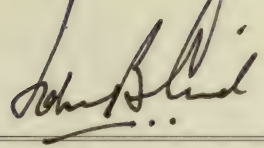
2nd Reading

June 28th, 1982

3rd Reading

June 29th, 1982

THE HON. R. McMURTRY
Attorney General



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to protect the Health of Pupils in Schools

THE HON. L. GROSSMAN
Minister of Health



BILL 142

1982

An Act to protect the Health of Pupils in Schools

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Health Facilities Appeal Board under the *Ambulance Act*; R.S.O. 1980,
c. 20
- (b) "board" means a "board" as defined in the *Education Act*; R.S.O. 1980,
c. 129
- (c) "designated diseases" means diphtheria, measles, mumps, poliomyelitis, rubella and tetanus;
- (d) "immunization record" means a record of immunization maintained by a medical officer of health under this Act;
- (e) "medical officer of health" means "medical officer of health" as defined in the *Public Health Act*; R.S.O. 1980,
c. 409
- (f) "parent" includes an individual or a corporation that has the responsibilities of a parent;
- (g) "person" includes a board;
- (h) "physician" means legally qualified medical practitioner;
- (i) "prescribed" means prescribed by the regulations;
- (j) "pupil" means a pupil who is a minor;
- (k) "regulations" means regulations made under this Act;

R.S.O. 1980,
c. 129

- (l) "school" means a "private school" and a "school" as defined in the *Education Act* and includes a kindergarten, a junior kindergarten and a beginners class within the meaning of the *Education Act*;
- (m) "school day" means "school day" as defined in the *Education Act*;
- (n) "statement of medical exemption" means a statement in the prescribed form signed by a physician stating that the prescribed program of immunization in relation to a designated disease or designated diseases,
 - (i) may be detrimental to the health of the person named in the statement, or
 - (ii) is unnecessary in respect of the person named in the statement by reason of past infection or laboratory evidence of immunity;
- (o) "statement of religious belief" means a statement in the prescribed form signed by a parent of the person named in the statement that immunization conflicts with the tenets and practices of the religious denomination of which the parent is an adherent or a member.

Purpose
of Act

2. The purpose of this Act is to increase the protection of the health of children against the diseases that are designated diseases under this Act.

Order for
suspension re
designated
diseases

3.—(1) A medical officer of health, in the circumstances mentioned in subsection (2), by a written order may require a person who operates a school in the area served by the medical officer of health to suspend from attendance at the school a pupil named in the order.

Grounds for
order re
designated
diseases

(2) The circumstances mentioned in subsection (1) are,

- (a) that the medical officer of health has not received,
 - (i) a statement signed by a physician showing that the pupil has completed the prescribed program of immunization in relation to the designated diseases,
 - (ii) a statement of medical exemption in respect of the pupil or, where the medical officer of health has received a statement of medical exemption, the effective time period specified in the statement has expired and the medical officer of

health has not received a further statement of medical exemption, or

(iii) a statement of religious belief in respect of the pupil; and

(b) that the medical officer of health is not satisfied that the pupil has completed, has commenced and will complete or will commence and complete the prescribed program of immunization in relation to the designated diseases.

4. A suspension under an order by a medical officer of health under section 3 is for a period of twenty school days. Term of suspension

5.—(1) A medical officer of health who makes an order under section 3 shall serve a copy of the order upon a parent of the pupil. Service of copy of order upon parent

(2) An order under section 3 is not valid unless written reasons for the order are included in or attached to the order. Written reasons

(3) A medical officer of health may make orders under section 3 from time to time in respect of a pupil where the circumstances specified in the section for making the order continue to exist. Repeated orders

6. A medical officer of health who has made an order under section 3 shall rescind the order where the circumstances for making the order no longer exist. Rescission of order

7. Every physician who administers an immunizing agent to a child in relation to a designated disease shall furnish to a parent of the child a statement signed by the physician showing that the physician has administered the immunizing agent to the child. Statement by physician

8.—(1) Every medical officer of health shall maintain a record of immunization in the form and containing the information prescribed by the regulations in respect of each pupil attending school in the area served by the medical officer of health. Record of immunization

(2) A medical officer of health shall keep under review the immunization record maintained by the medical officer of health in respect of a pupil who has not completed the prescribed program of immunization in relation to the designated diseases. Review of record

9.—(1) A medical officer of health, in the circumstances mentioned in subsection (2), by a written order may require a person who operates a school located in the health unit served by the medical officer of health to exclude from the school a pupil named in the order. Order by M.O.H.

Grounds
for order

(2) The circumstances mentioned in subsection (1) are,

(a) that the medical officer of health is of the opinion, upon reasonable and probable grounds, that there is an outbreak or an immediate risk of an outbreak of a designated disease in the school at which the pupil attends; and

(b) that the medical officer of health has not received,

(i) a statement of immunization signed by a physician showing, or is not otherwise satisfied, that the pupil has completed the prescribed program of immunization in relation to the designated disease, or

(ii) a statement of medical exemption in the prescribed form signed by a physician stating that the prescribed program of immunization in relation to the designated disease is unnecessary in respect of the pupil by reason of past infection or laboratory evidence of immunity.

Term of
order

(3) An order under subsection (1) remains in force until rescinded in writing by the medical officer of health.

Rescission
of order

(4) A medical officer of health who makes an order under subsection (1) shall rescind the order as soon as the medical officer of health is satisfied that the outbreak or the immediate risk of the outbreak of the designated disease has ended.

Service
of copy
of order

(5) The medical officer of health shall serve a copy of the order under subsection (1) upon a parent of the pupil and, where the pupil is sixteen or seventeen years of age, upon the pupil.

Service of
copy of
rescinding
order

(6) The medical officer of health shall serve a rescinding order made under subsection (4) upon the person who operates the school and shall serve a copy of the order upon a parent of the pupil and, where the pupil is sixteen or seventeen years of age, upon the pupil.

Written
reasons

(7) An order under subsection (1) shall include written reasons for the making of the order.

Hearing and
submissions

10. A medical officer of health need not hold or afford to any person an opportunity for a hearing or afford to any person an opportunity to make submissions before making an order under this Act.

11.—(1) Where a pupil transfers from a school, the person who operates the school shall give notice of the transfer in the prescribed form to the medical officer of health serving the area in which the school is located. Notice of transfer of pupil

(2) Where the notice under subsection (1) states that the pupil is transferring to a school in an area under the jurisdiction of another medical officer of health, the medical officer of health shall send a copy of the immunization record of the pupil to the other medical officer of health. Transmittal of copy of immunization record

12.—(1) Where a medical officer of health makes an order under this Act requiring the suspension of a pupil or requiring that a pupil be excluded from a school due to an outbreak or an immediate risk of an outbreak of a designated disease, the medical officer of health shall serve upon a parent of the pupil or, where the pupil is sixteen or seventeen years of age, upon the pupil a notice of entitlement to a hearing. Notice

(2) A notice under subsection (1) shall inform the parent or pupil, as the case may be, that the parent or pupil is entitled to a hearing by the Board if the parent or pupil mails or delivers to the medical officer of health, to the Board and to the person who operates the school, within fifteen days after the notice is served on the parent or pupil, notice in writing requiring a hearing and the parent or pupil may so require such a hearing. Idem

(3) Where a hearing by the Board is required in accordance with this section, the medical officer of health shall afford to the parent or pupil requiring the hearing a reasonable opportunity before the hearing, Opportunity to show compliance and to examine documents

(a) to show or to achieve compliance with all lawful requirements concerning the subject-matter of the hearing; and

(b) to examine any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

(4) Where a hearing is required in accordance with this section, the Board shall appoint a time and place for and hold the hearing and the Board by order may confirm, alter or rescind the decision or order of the medical officer of health and for such purposes the Board may substitute its finding for that of the medical officer of health. Powers of Board where hearing

(5) The medical officer of health, the parent or pupil who has required the hearing and such other persons as the Board may specify are parties to the proceedings before the Board. Parties

Effect of
order

(6) Notwithstanding that a hearing is required in accordance with this section, an order under this Act by a medical officer of health takes effect when it is served on the person to whom it is directed.

Members
holding
hearing not to
have taken
part in
investigation,
etc.

(7) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Recording
of
evidence

(8) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

R.S.O. 1980,
c. 484

(9) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

Only
members at
hearing to
participate
in decision

(10) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(11) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

13.—(1) Any party to the proceedings before the Board under this Act may appeal from its decision or order to the Divisional Court in accordance with the rules of court.

Record to
be filed in
court

(2) Where any party appeals from a decision or order of the Board under this Act, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the

decision of the Board and may exercise all powers of the Board to confirm, alter or rescind the order that is the subject of the appeal and to substitute its findings for that of the person who made the order as the court considers proper and for such purposes the court may substitute its opinion for that of the person who made the order or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

14. The Lieutenant Governor in Council may make regula- Regulations
tions,

(a) prescribing any matter referred to in this Act as pre-
scribed by the regulations;

(b) prescribing forms and providing for their use;

(c) governing the custody, recording, inspection and
destruction of records in respect of immunizations in
relation to designated diseases;

(d) prescribing programs of immunization in respect of
designated diseases, including specifying immunizing
agents and the number and timing of dosages of
immunizing agents;

(e) classifying children, pupils or persons and exempting
any such class from any provision of this Act or the
regulations and prescribing conditions to which such
exemption shall be subject;

(f) requiring and governing reports by persons who oper-
ate schools to medical officers of health in respect of
records and documentation related to the immunization
of children applying for admission to the schools and
pupils and former pupils in the schools;

(g) respecting any other matter that the Lieutenant Gover-
nor in Council considers necessary or advisable to carry
out effectively the intent and purpose of this Act.

15.—(1) Any notice, order or other document under this Act Service
or the regulations is sufficiently given, served or delivered if
delivered personally or sent by ordinary mail addressed to the
person to whom it is to be given, served or delivered at his last
known address.

(2) A notice, order or other document sent by ordinary mail in When service
accordance with subsection (1) shall be deemed to be given, deemed made
served or delivered on the seventh day after the day of mailing,

unless the person to whom it is sent establishes that, acting in good faith, he did not receive the notice, order or other document until a later date through absence, accident, illness or other cause beyond his control.

Commence-
ment

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. The short title of this Act is the *Immunization of School Pupils Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR July 7 1982

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to protect the
Health of Pupils in Schools

1st Reading

June 11th, 1982

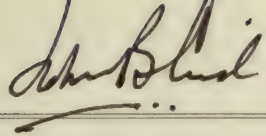
2nd Reading

June 29th, 1982

3rd Reading

June 29th, 1982

THE HON. L. GROSSMAN
Minister of Health



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to amend the Operating Engineers Act

THE HON. R. G. ELGIE
Minister of Consumer and Commercial Relations

BILL 143

1982

An Act to amend the Operating Engineers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraphs 1 and 9 of section 1 of the *Operating Engineers Act*, being chapter 363 of the Revised Statutes of Ontario, 1980, are repealed. s. 1,
pars. 1, 9,
repealed
- (2) Paragraph 14 of the said section 1 is amended by striking out “or a hoisting plant, steam hoisting plant” in the fourth and fifth lines. s. 1, par. 14,
amended
- (3) Paragraph 16 of the said section 1 is repealed and the following substituted therefor: s. 1, par. 16,
re-enacted
 16. “pressure vessel” means a vessel that is heated or its contents are heated by,
 - i. a flame or the hot gases of combustion,
 - ii. electricity, or
 - iii. a liquid.
- (4) Paragraph 24 of the said section 1 is repealed. s. 1, par. 24,
repealed
2. Clauses 2 (c), (d), (e) and (i) of the said Act are repealed. s. 2
(c, d, e, i),
repealed
3. Subsection 3 (1) of the said Act is repealed and the following substituted therefor: s. 3 (1),
re-enacted
 - (1) There shall be appointed a chief officer and such inspectors as are necessary to administer and enforce this Act and the regulations and such persons shall be subject to the direction and control of the Minister. Chief
officer and
inspectors
4. Section 4 of the said Act is repealed. s. 4,
repealed

s. 7 (1),
re-enacted;
s. 7 (3),
repealed

Certificates
of registration

s. 8 (2),
repealed

s. 9,
re-enacted

Registration

s. 15 (1),
pars. 3, 4,
repealed

s. 16 (8, 9),
repealed

s. 16 (10),
amended

s. 20,
re-enacted

Temporary
absences

s. 22 (1),
amended

- 5.** Subsections 7 (1) and (3) of the said Act are repealed and the following substituted therefor:

(1) The chief officer, upon receiving an application and payment of the fee, shall issue to the user of a plant a certificate of registration.

- 6.** Subsection 8 (2) of the said Act is repealed.

- 7.** Section 9 of the said Act is repealed and the following substituted therefor:

9. Where the setting of a safety valve or Therm-hour rating of a registered plant is changed, the user of the plant shall notify the chief officer in writing within fifteen days with full particulars of the change and where the change is sufficient to change the classes of operating engineers or operators required for the plant, he shall return the certificate of registration together with the prescribed plant registration application form and the prescribed fee, whereupon the chief officer shall issue a new certificate of registration for the plant.

- 8.** Paragraphs 3 and 4 of subsection 15 (1) of the said Act are repealed.

- 9.—**(1) Subsections 16 (8) and (9) of the said Act are repealed.

(2) Subsection 16 (10) of the said Act is amended by striking out “or of a steam hoisting engineer” in the second line.

- 10.** Section 20 of the said Act is repealed and the following substituted therefor:

20. While a plant is in operation, an operating engineer or an operator qualified to be in charge of the plant shall be present in its boiler room, compressor room or engine room, as the case may be, or, where the plant is not enclosed, he shall be present in its immediate vicinity,

(a) unless an operating engineer or an operator holding a certificate of qualification that is not more than one class lower is present during his absence; or

(b) unless his absence is authorized by the regulations,

and unless, in either case, he is satisfied at the time of his leaving the plant that it is operating safely.

- 11.** Subsection 22 (1) of the said Act is amended by striking out “Board” in the first, third and sixth lines and inserting in lieu thereof in each instance “chief officer”.

- 12.**—(1) Subsection 23 (1) of the said Act is amended by striking out “Board” in the first line and in the fourth line and inserting in lieu thereof in each instance “chief officer”. s. 23 (1), amended
- (2) Subsection 23 (2) of the said Act is amended by striking out “Board” in the third line and inserting in lieu thereof “chief officer”. s. 23 (2), amended
- 13.**—(1) Section 24 of the said Act is amended by striking out “Board” in the first line and inserting in lieu thereof “chief officer”. s. 24, amended
- (2) Clause 24 (*k*) of the said Act is amended by striking out “Board” in the first line and inserting in lieu thereof “chief officer”. s. 24 (*k*), amended
- 14.** Subsections 25 (1), (3), (4), (5) and (7) of the said Act are amended by striking out “Board” wherever it occurs and inserting in lieu thereof in each instance “chief officer”. s. 25 (1, 3, 4, 5, 7), amended
- 15.** Subsection 26 (1) of the said Act is amended by striking out “Board” in the first line and inserting in lieu thereof “chief officer”. s. 26 (1), amended
- 16.** Subsection 27 (4) of the said Act is amended by striking out “Board” in the fourth and seventh lines and inserting in lieu thereof in each instance “chief officer”. s. 27 (4), amended
- 17.** Section 30 of the said Act is repealed and the following substituted therefor: s. 30, re-enacted
30. Every operating engineer or operator shall display conspicuously his certificate of qualification in the engine room, compressor room or boiler room of the plant in which the operating engineer or operator works. Posting of certificates
- 18.** Subsection 35 (1) of the said Act is repealed and the following substituted therefor: s. 35 (1), re-enacted
- (1) Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations, fails to comply with an order of an inspector or hinders or obstructs any person in the performance of his duties under this Act or the regulations, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than twelve months, or to both. Offences
- 19.** Clauses 37 (*a*) and (*e*) of the said Act are repealed and the following substituted therefor: s. 37 (*a*, *e*), re-enacted

(a) prescribing the qualifications of inspectors;

- (e) prescribing the conditions of re-examination of applicants for certificates of qualification who have failed to pass the examinations required by the chief officer.

Commence-
ment

- 20.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

- 21.** The short title of this Act is the *Operating Engineers Amendment Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

July 7, 1982

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
the Operating Engineers Act

1st Reading

June 11th, 1982

2nd Reading

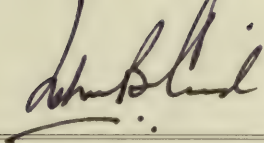
June 29th, 1982

3rd Reading

June 30th, 1982

THE HON. R. G. ELGIE
Minister of Consumer and
Commercial Relations

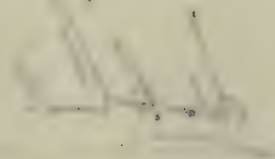
BILL 144

A handwritten signature in dark ink, appearing to be 'L. B. L.' with a flourish at the end, is written over the top right of the page.

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to amend the Provincial Courts Act

THE HON. R. MCMURTRY
Attorney General



1874

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BILL 144

1982

An Act to amend the Provincial Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 23 (3) of the *Provincial Courts Act*, being chapter 398 of the Revised Statutes of Ontario, 1980, is repealed. s. 23 (3),
repealed
2. Subsection 28 (2) of the said Act is repealed. s. 28 (2),
repealed
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is the *Provincial Courts Amendment Act*, Short title
1982.

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 25 1982

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend the Provincial Courts Act

1st Reading

June 11th, 1982

2nd Reading

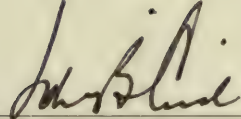
June 11th, 1982

3rd Reading

June 21st, 1982

THE HON. R. MC MURTRY
Attorney General

BILL 145



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to amend The Brantford-Brant Annexation Act, 1980

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 145

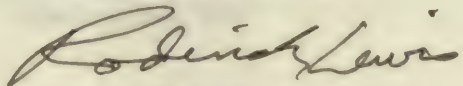
1982

An Act to amend The Brantford-Brant Annexation Act, 1980

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 8 (1) of *The Brantford-Brant Annexation Act, 1980*, being chapter 43, is amended by striking out “the Brantford Suburban Roads Commission and the sharing of costs in respect of suburban roads” in the second, third and fourth lines and inserting in lieu thereof “the Brant county road system”. s. 8 (1),
amended
- (2) Subsection 8 (6) of the said Act is repealed and the following substituted therefor: s. 8 (6),
re-enacted
- (6) Any agreement reached under this section in respect of the Brant county road system shall not take effect until it has been approved by the Lieutenant Governor in Council. Approval
of
L.G. in C.
- (3) Section 8 of the said Act is amended by adding thereto the following subsection: s. 8,
amended
- (6a) Any contribution made by the City in respect of the Brant county road system in accordance with an agreement reached under subsection (1), or a predecessor thereof, shall be deemed to be a contribution towards the construction and maintenance of suburban roads for the purposes of subsection 79 (3) of the *Public Transportation and Highway Improvement Act*. Deemed
contribution
under
R.S.O. 1980,
c. 421,
s. 79 (3)
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is the *Brantford-Brant Annexation Amendment Act, 1982*. Short title

ASSSENTED TO BY LIEUTENANT-GOVERNOR NOV. 18 19 82



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Brantford-Brant Annexation Act, 1980

1st Reading

June 15th, 1982

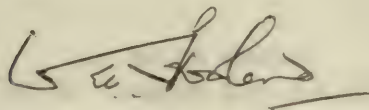
2nd Reading

November 2nd, 1982

3rd Reading

November 16th, 1982

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing



Bill 146

*(Chapter 11
Statutes of Ontario, 1983)*

An Act to amend The City of Thunder Bay Act, 1968-69

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

<i>1st Reading</i>	June 15th, 1982
<i>2nd Reading</i>	February 14th, 1983
<i>3rd Reading</i>	February 15th, 1983
<i>Royal Assent</i>	February 23rd, 1983

Bill 146

1982

**An Act to amend
The City of Thunder Bay Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The City of Thunder Bay Act, 1968-69*, being chapter 56, is repealed. s. 10, repealed

2. Section 24a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 45, section 6, is repealed and the following substituted therefor: s. 24a, re-enacted

24a. Notwithstanding the provisions of any general or special Act, the property of the Canadian Lakehead Exhibition Society in the City of Thunder Bay, described in Schedule C hereto, shall, when in occupation by a tenant, be liable to taxes for municipal and school purposes, including business taxes. Exhibition property liable to taxation when occupied by tenant

3. The said Act is amended by adding thereto the following Schedule: Schedule C, enacted

SCHEDULE C

ALL AND SINGULAR that parcel of land and premises situate in the City of Thunder Bay, in the District of Thunder Bay, bounded on the north by the north limit of Isabel Street, on the west by the east limit of Memorial Avenue, on the south by the north limit of the right of way of the Neebing/McIntyre Floodway and on the east by the proposed new west limit of Fort William Road, as revised in conjunction with the Neebing/McIntyre Floodway project, and more particularly described as follows:

COMMENCING at a point in the east limit of Memorial Avenue, formerly May Street as laid out by Registered Plan M-46, said point of commencement being the southwest corner of Part 2 on Reference Plan 55R-3571;

THENCE easterly along the southerly limits of Parts 2, 11, 12, 20, 21 and 22 as shown on the said Plan 55R-3571 to the southeast corner of the said Part 22;

THENCE easterly along the southerly limits of Parts 8, 21, 6 and 5 on Reference Plan 55R-4671 to the southwest corner of Part 4 on Reference Plan 55R-4443;

THENCE easterly on the southerly limit of the said Part 4 to the south-east corner of the said Part 4;

THENCE northerly along the east limit of the said Part 4 to the south-east corner of Part 4 on Reference Plan 55R-4671;

THENCE northerly along the east limits of Parts 4, 9, 17 and 15 on said Plan 55R-4671 to the most northerly corner of the said Part 15;

THENCE northerly along the east limits of Parts 4, 9, 17 and 15 on the said Plan 55R-4671 to the most northerly corner of the said Part 15;

THENCE northerly along the east limit of Part 20 on the said Plan 55R-4671 to the point where the said east limit is intersected by the production easterly of the north limit of Part 1 on Reference Plan 55R-3714, the said north limit being the north limit of Isabel Street;

THENCE westerly along the said production and along the north limit of Part 1 on the said Plan 55R-3714 to the northwest corner of the said Part 1, which is also a point in the east limit of Memorial Avenue;

THENCE southerly along the east limit of Memorial Avenue to the point of commencement.

Commence-
ment

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

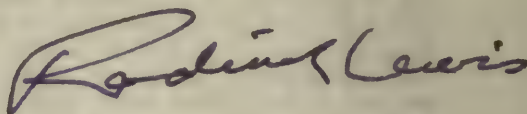
Idem

(2) Section 1 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

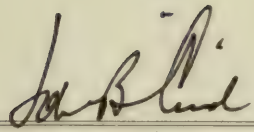
5. The short title of this Act is the *City of Thunder Bay Amendment Act, 1983*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE February 23, 1983



CLERK
LEGISLATIVE ASSEMBLY

BILL 149



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to amend certain Acts respecting Regional Municipalities

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

BILL 149

1982

An Act to amend certain Acts respecting Regional Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

REGIONAL MUNICIPALITY OF DURHAM

1. Subsection 52 (14) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by striking out "subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply" in the sixth line and inserting in lieu thereof "section 30 of the *Public Utilities Act* applies". s. 52 (14),
amended

- 2.—(1) Subsection 110 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8". s. 110 (22),
amended

- (2) Clause 110 (45) (b) of the said Act is amended by striking out "5" in the fifth line and inserting in lieu thereof "8". s. 110
(45) (b),
amended

3. Section 144 of the said Act is repealed and the following substituted therefor: s. 144,
re-enacted

144.—(1) In this section, "waste" includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council. Interpretation

(2) The Regional Corporation shall continue to provide facilities for the purpose of receiving, dumping and disposing of waste and no area municipality shall provide such facilities. Receiving and
disposing of
waste by
Regional
Corporation

(3) On and after the day this section comes into force, no facilities for the receiving, dumping and disposing of waste shall be provided in the Regional Area by any person or by any municipality, as defined in the *Municipal Affairs Act*, or by any other regional municipality or by a metropolitan municipality or by a Where consent
of Regional
Council
required
R.S.O. 1980,
c. 303

local board of a regional or metropolitan municipality without the consent of the Regional Council, which consent may be given upon such terms and conditions, including the payment of such compensation, as may be agreed upon.

Appeal to
O.M.B.

(4) Where the Regional Council refuses its consent under subsection (3), or the applicant therefor and the Regional Council fail to agree on the terms and conditions related to such consent, the applicant may appeal to the Municipal Board who shall hear and determine the matter, and the Board may impose such terms and conditions as the Board considers appropriate and the decision of the Board is final.

Powers of
Regional
Corporation

(5) For the purposes of subsection (2), the Regional Corporation may,

- (a) acquire and use land;
- (b) erect, maintain and operate facilities for the purpose of receiving, dumping, treating and disposing of waste;
- (c) contract with Her Majesty in right of Canada, Her Majesty in right of any province, and agency of either of them, a regional or metropolitan municipality, or local board thereof, or any person for such purposes;
- (d) prohibit or regulate the dumping, treating and disposing of waste, or any class or classes thereof, upon such land;
- (e) prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise, as the Regional Council considers appropriate in the circumstances; and
- (f) provide standards and regulations for vehicles or any class or classes thereof, used for the haulage of waste to any waste facility located in the Regional Area.

R.S.O. 1980,
c. 302, s. 210,
par. 129,
not to apply

(6) A by-law passed under paragraph 129 of section 210 of the *Municipal Act* does not apply to the Regional Corporation.

Waste
facilities,
etc., vested
in Regional
Corporation

(7) All waste facilities and lands of a local municipality, to the extent that they were used for the purposes of receiving, dumping and disposing of waste on the 1st day of January, 1974, are vested in the Regional Corporation without compensation.

Routes on
regional roads

(8) The Regional Council may by by-law prescribe one or more routes on specified regional roads to be used by vehicles, or

any class or classes thereof, in hauling waste to any waste facility located in the Regional Area, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

(9) Subject to the approval of the Regional Council, the council of an area municipality may by by-law prescribe one or more routes on specified area municipality roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in such area municipality, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

Routes on
area
municipality
roads

(10) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property that vested in the Regional Corporation under subsection (7) or a predecessor thereof.

Payment of
outstanding
debt

(11) If the Regional Corporation fails on or before the due date to make any payment required by subsection (10), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

(12) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

Settling
of doubts
by O.M.B.

(13) For the purposes of subsection (5), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications.

Application of
R.S.O. 1980,
c. 302, s. 210,
par. 84

(14) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of recovering, manufacturing, producing, supplying, selling or distributing from domestic or industrial sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam, and for such purposes may,

Powers of
Regional
Corporation
re manufacture
and sale of
products,
commodities,
etc., derived
from waste

- (a) enter into agreements with any person;
- (b) carry on investigations, experiments, research or development;
- (c) construct and maintain pipes, apparatus, and equipment on, over, under or across any highway or private

property with the consent of the owner of such private property; and

- (d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

R.S.O. 1980,
c. 309, not to
apply

(15) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under subsection (14).

PART II

REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

s. 74 (14),
amended

4. Subsection 74 (14) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is amended by striking out "subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply" in the sixth and seventh lines and inserting in lieu thereof "section 30 of the *Public Utilities Act* applies".

s. 92 (22),
amended

- 5.—(1) Subsection 92 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8".

s. 92 (45) (b),
amended

- (2) Clause 92 (45) (b) of the said Act is amended by striking out "5" in the fifth line and inserting in lieu thereof "8".

PART III

REGIONAL MUNICIPALITY OF HALTON

s. 49,
amended

6. Section 49 of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

Where
Regional
Council
gives notice
of no objection

(2a) Where the Regional Council notifies the council of the area municipality that the Regional Council does not object to the stopping up, the Regional Council shall have no further right to object under subsection (2) and the council of the area municipality may proceed to pass a by-law for the stopping up of the highway or part thereof concerned.

s. 85 (14),
amended

7. Subsection 85 (14) of the said Act is amended by striking out "subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply" in the sixth line and inserting in lieu thereof "section 30 of the *Public Utilities Act* applies".

s. 103 (22),
amended

- 8.—(1) Subsection 103 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8".

(2) Clause 103 (45) (b) of the said Act is amended by striking out "5" in the fifth line and inserting in lieu thereof "8". s. 103 (45) (b),
amended

9. Section 137 of the said Act is repealed and the following substituted therefor: s. 137,
re-enacted

137.—(1) In this section, "waste" includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council. Interpretation

(2) The Regional Corporation shall continue to provide facilities for the purpose of receiving, dumping and disposing of waste and no area municipality shall provide such facilities. Receiving and
disposing of
waste by
Regional
Corporation

(3) On and after the day this section comes into force, no facilities for the receiving, dumping and disposing of waste shall be provided in the Regional Area by any person or by any municipality, as defined in the *Municipal Affairs Act*, or by any other regional municipality or by a metropolitan municipality or by a local board of a regional or metropolitan municipality without the consent of the Regional Council, which consent may be given upon such terms and conditions, including the payment of such compensation, as may be agreed upon. Where consent
of Regional
Council
required

R.S.O. 1980,
c. 303

(4) Where the Regional Council refuses its consent under subsection (3), or the applicant therefor and the Regional Council fail to agree on the terms and conditions related to such consent, the applicant may appeal to the Municipal Board who shall hear and determine the matter, and the Board may impose such terms and conditions as the Board considers appropriate and the decision of the Board is final. Appeal to
O.M.B.

(5) For the purposes of subsection (2), the Regional Corporation may, Powers of
Regional
Corporation

(a) acquire and use land;

(b) erect, maintain and operate facilities for the purpose of receiving, dumping, treating and disposing of waste;

(c) contract with Her Majesty in right of Canada, Her Majesty in right of any province, and agency of either of them, a regional or metropolitan municipality, or local board thereof, or any person for such purposes;

(d) prohibit or regulate the dumping, treating and disposing of waste, or any class or classes thereof, upon such land;

(e) prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise, as the Regional Council considers appropriate in the circumstances; and

(f) provide standards and regulations for vehicles or any class or classes thereof, used for the haulage of waste to any waste facility located in the Regional Area.

R.S.O. 1980,
c. 302, s. 210,
par. 129,
not to apply

(6) A by-law passed under paragraph 129 of section 210 of the *Municipal Act* does not apply to the Regional Corporation.

Waste
facilities,
etc., vested in
Regional
Corporation

(7) All waste facilities and lands of a local municipality, to the extent that they were used for the purposes of receiving, dumping and disposing of waste on the 1st day of January, 1974, are vested in the Regional Corporation without compensation.

Routes on
regional roads

(8) The Regional Council may by by-law prescribe one or more routes on specified regional roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in the Regional Area, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

Routes on area
municipality
roads

(9) Subject to the approval of the Regional Council, the council of an area municipality may by by-law prescribe one or more routes on specified area municipality roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in such area municipality, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

Payment of
outstanding
debt

(10) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property that vested in the Regional Corporation under subsection (7) or a predecessor thereof.

Default

(11) If the Regional Corporation fails on or before the due date to make any payment required by subsection (10), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling of
doubts by
O.M.B.

(12) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the

Municipal Board may determine the matter and such determination is final and binding.

(13) For the purposes of subsection (5), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications.

Application of
R.S.O. 1980,
c. 302, s. 210,
par. 84

(14) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of recovering, manufacturing, producing, supplying, selling or distributing from domestic or industrial sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam, and for such purposes may,

Powers of
Regional
Corporation re
manufacture and
sale
of products,
commodities,
etc., derived
from waste

- (a) enter into agreements with any person;
- (b) carry on investigations, experiments, research or development;
- (c) construct and maintain pipes, apparatus, and equipment on, over, under or across any highway or private property with the consent of the owner of such private property; and
- (d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

(15) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under subsection (14).

R.S.O. 1980,
c. 309,
not to apply

PART IV

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

10. Subsection 96 (14) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by striking out "subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply" in the sixth line and inserting in lieu thereof "section 30 of the *Public Utilities Act* applies".

s. 96 (14).
amended

11.—(1) Subsection 114 (22) of the said Act is amended by striking out "5" in the third line and inserting in lieu thereof "8".

s. 114 (22).
amended

(2) Clause 114 (45) (b) of the said Act is amended by striking out "5" in the fifth line and inserting in lieu thereof "8".

s. 114 (45) (b).
amended

PART V

REGIONAL MUNICIPALITY OF NIAGARA

s. 62a,
enacted

- 12.** The *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Disposal of
liquid or
solid
material

62a.—(1) The Regional Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation and that is transported to those sewage works for receipt and disposal by the Regional Corporation.

Terms and
conditions

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

s. 124 (1),
amended

- 13.** Subsection 124 (1) of the said Act is amended by striking out "subsection 180 (4)" in the first line and inserting in lieu thereof "section 183".

s. 142 (22),
amended

- 14.**—(1) Subsection 142 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8".

s. 142 (45) (b),
amended

- (2) Clause 142 (45) (b) of the said Act is amended by striking out "5" in the sixth line and inserting in lieu thereof "8".

PART VI

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

s. 8,
amended

- 15.** Section 8 of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:

Variation, etc.,
by O.M.B. of
order made
under s. 153
(3a)

(2) If an application is made under subsection (1) in respect of the City of Ottawa, the City of Vanier or the Village of Rockcliffe Park and an order of the Municipal Board is in effect under subsection 153 (3a), the Board may vary the order, rescind the order or rescind the order and make a new order as though it were acting on an application under subsection 153 (3a) and the varied order or new order shall be deemed to have been made under that subsection.

(3) Notice of an application to which subsection (2) applies shall be given to The Ottawa Board of Education in such manner as the Municipal Board directs. Notice of application

- 16.** Section 31 of the said Act is amended by adding thereto the following subsection: s. 31, amended

(13) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and section 30 of the *Public Utilities Act* applies and the moneys collected shall be forwarded to the treasurer of the Regional Corporation. Entry by clerk on collector's roll
R.S.O. 1980, c. 423

- 17.** Section 39 of the said Act is amended by adding thereto the following subsection: s. 39, amended

(5) Notwithstanding subsection (4) of this section or section 218 of the *Municipal Act*, the approval of the Municipal Board is not required if the by-law to be passed by the council of the area municipality under section 218 for raising an amount in respect of a work, Where approval of O.M.B. not required
R.S.O. 1980, c. 302

(a) imposes a sewer rate computed solely by the method referred to in clause 218 (7) (d) of the *Municipal Act*; and

(b) applies only in respect of the same property as that which is situate within the area of special benefit defined in the area municipality in respect of that work by a by-law of the Regional Council in force under subsection (1) or (2),

as evidenced by a certificate to that effect signed by the clerk of the Regional Corporation.

- 18.** The said Act is amended by adding thereto the following section: s. 47a, enacted

47a.—(1) The Regional Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation and that is transported to those sewage works for receipt and disposal by the Regional Corporation. Disposal of liquid or solid material

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material Terms and conditions

and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

s. 79,
amended

19. Section 79 of the said Act is amended by adding thereto the following subsection:

Where
approval
of O.M.B. not
required

(11a) Notwithstanding subsection (11), an area municipality may, without the approval of the Municipal Board, pass one or more by-laws to impose a special rate or rates in one or more defined areas of the area municipality to raise the whole or any part of the amount charged to that municipality provided that,

- (a) the defined area or areas constitute the entire portion of the Urban Transit Area that is situate within the area municipality; and
- (b) the by-law of the Regional Council passed under subsection (1) defining the Urban Transit Area is either final and binding under subsection (10) or thirty days have expired since the passing of the by-law or any amendments thereto and all appeals against the by-law or any such amendments have been finally disposed of,

as evidenced by a certificate to that effect signed by the clerk of the Regional Corporation.

s. 133 (23),
amended

20.—(1) Subsection 133 (23) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8".

s. 133 (46) (b),
amended

- (2) Clause 133 (46) (b) of the said Act is amended by striking out "5" in the fifth line and inserting in lieu thereof "8".

s. 153,
amended

21. Section 153 of the said Act is amended by adding thereto the following subsections:

Zones

(3a) Notwithstanding subsection (3), upon the application of the Ottawa Board authorized by a resolution thereof, or upon the application of petitioners in accordance with subsection (3d), the Municipal Board may, by order,

- (a) divide or redivide the school division into zones, and shall designate the name or number each zone shall bear and shall declare the date the division or redivision shall take effect;
- (b) alter or dissolve any or all of the zones created by an order under clause (a) and shall declare the date when such alterations or dissolutions shall take effect;

(c) provide that the public school electors in each zone created or altered under this subsection shall elect such number of members to the Ottawa Board as shall be specified in the order provided that the total number of members specified in the order is twelve; and

(d) notwithstanding the *Municipal Elections Act* or the *Education Act*, make such provisions as are considered necessary for the holding of elections of members to the Ottawa Board by electors in zones created or altered under this subsection. R.S.O. 1980,
cc. 308, 129

(3b) Notwithstanding clause (3a) (a) or (b), the Municipal Board may not create a zone under those clauses which contains part only of a ward of the City of Ottawa or of a ward of the City of Vanier or part only of the Village of Rockcliffe Park. Limitation

(3c) While a provision of an order of the Municipal Board authorized by clause (3a) (c) is in effect for purposes of an election, the members of the Ottawa Board to be elected at the election by public school electors shall be elected in accordance with the provision of the order and not in accordance with subsection (3). Election

(3d) A petition of 150 or more public school electors of the school division may be presented to the Ottawa Board requesting the Board to apply to the Municipal Board to divide or redivide the school division into zones or to alter or dissolve any or all of the existing zones created by an order of the Municipal Board, and if the Ottawa Board refuses or neglects to make the application within one month after the receipt by the Ottawa Board of the petition, the petitioners or any of them may apply to the Municipal Board for the division, redivision, alteration or dissolution, as the case may be. Petition

PART VII

REGIONAL MUNICIPALITY OF PEEL

22. Subsection 80 (14) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by striking out "subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply" in the sixth and seventh lines and inserting in lieu thereof "section 30 of the *Public Utilities Act* applies". s. 80 (14),
amended

23.—(1) Subsection 98 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8". s. 98 (22),
amended

(2) Clause 98 (45) (b) of the said Act is amended by striking out "5" in the fifth line and inserting in lieu thereof "8". s. 98 (45) (b),
amended

PART VIII

REGIONAL MUNICIPALITY OF SUDBURY

s. 25 (14),
amended

- 24.** Subsection 25 (14) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out “subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply” in the sixth and seventh lines and inserting in lieu thereof “section 30 of the *Public Utilities Act* applies”.

s. 84 (22),
amended

- 25.**—(1) Subsection 84 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”.

s. 84 (45) (b),
amended

- (2) Clause 84 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”.

PART IX

REGIONAL MUNICIPALITY OF WATERLOO

s. 2 (1) (g),
amended

- 26.** Clause 2 (1) (g) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out,

“COMMENCING at a point in the easterly boundary of the Township of Waterloo where it is intersected by the easterly prolongation of the northerly limit of County Road Number 31;

THENCE westerly to and along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;”

in the seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth lines and inserting in lieu thereof:

“COMMENCING at a point in the easterly boundary of the Township of Waterloo where it is intersected by the northerly limit of County Road Number 31;

THENCE westerly along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;”.

s. 59a,
enacted

- 27.** The said Act is amended by adding thereto the following section:

Disposal of
liquid or
solid
material

59a.—(1) The Regional Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation

and that is transported to those sewage works for receipt and disposal by the Regional Corporation.

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

Terms and conditions

28.—(1) Subsection 132 (22) of the said Act is amended by striking out “5” in the fourth line and inserting in lieu thereof “8”. s. 132 (22), amended

(2) Clause 132 (45) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”. s. 132 (45) (b), amended

29. Section 169 of the said Act is amended by adding thereto the following subsections: s. 169, amended

(7) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of recovering, manufacturing, producing, supplying, selling or distributing from domestic or industrial sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam, and for such purposes may,

Products from industrial waste, etc.

(a) enter into agreements with any person;

(b) carry on investigations, experiments, research or development;

(c) construct and maintain pipes, apparatus, and equipment on, over, under or across any highway or private property with the consent of the owner of such private property; and

(d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

(8) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under subsection (7). R.S.O. 1980, c. 309, not to apply

PART X

REGIONAL MUNICIPALITY OF YORK

30. The *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 61a, enacted

Disposal of
liquid or
solid
material

61a.—(1) The Regional Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Regional Corporation and that is transported to those sewage works for receipt and disposal by the Regional Corporation.

Terms and
conditions

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material, and different conditions and charges may be made applicable in respect of different classes of such material and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Regional Corporation.

s. 123 (5),
amended

31. Subsection 123 (5) is amended by striking out "122" in the second line and inserting in lieu thereof "121".

s. 134 (22),
amended

32.—(1) Subsection 134 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8".

s. 134 (45) (b),
amended

(2) Clause 134 (45) (b) of the said Act is amended by striking out "5" in the fifth line and inserting in lieu thereof "8".

Commence-
ment

33.—(1) This Act, except section 29, comes into force on the day it receives Royal Assent.

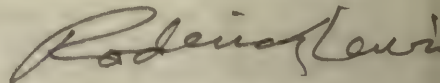
Idem

(2) Section 29 shall be deemed to have come into force on the 1st day of January, 1982.

Short title

34. The short title of this Act is the *Regional Municipalities Amendment Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV. 18, 1982



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend certain Acts
respecting Regional Municipalities

1st Reading

June 17th, 1982

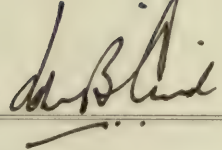
2nd Reading

October 21st, 1982

3rd Reading

November 16th, 1982

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

A handwritten signature in dark ink, appearing to be 'L. B. L.' or similar, is written in the top right corner of the page.

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to amend the Municipal Act

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

BILL 150

1982

An Act to amend the Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 8 of section 1 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
 8. "electors", when applied to a municipal election, means the persons entitled to vote at a municipal election and when applied to voting on any by-law or on a resolution or question, unless otherwise provided by the Act, by-law or other authority under which the vote is taken, means municipal electors.
2. Section 24 of the said Act is repealed. s. 24,
repealed
3. Subsection 25 (6) of the said Act is amended by striking out "which shall in every case include a written notice to the Minister of Health" in the third, fourth and fifth lines. s. 25 (6),
amended
4. Section 74 of the said Act is repealed. s. 74,
repealed
5. Subsection 81 (5) of the said Act is repealed. s. 81 (5),
repealed
6. Subsection 84 (2) of the said Act is repealed and the following substituted therefor: s. 84 (2),
re-enacted
 - (2) Every treasurer who contravenes subsection (1) is guilty of an offence.
7. The said Act is amended by adding thereto the following section: s. 104a,
enacted
 - 104a.—(1) Every council may pass its by-laws and resolutions in English or in both English and French. English and
French
by-laws and
resolutions
 - (2) Every council may adopt an official plan that is in English or that is in both English and French. Official
plans

Proceedings
of council

(3) Every council and every committee of council may conduct its proceedings in English or French or in both English and French.

Minutes

(4) Notwithstanding subsection (3), the minutes of the proceedings of council and all committees of council shall be kept in English or, where so authorized by a by-law of the council, in both English and French.

Conduct of
affairs, etc.,
of municipality

(5) Unless otherwise directed by a by-law of the council, the officers and servants of a municipality may conduct the business and affairs of the municipality in such language, including a language other than English or French, as may be reasonable in the circumstances.

Proviso

(6) Nothing in this section,

(a) affects an obligation imposed by or under any Act to make, keep, use, file, register or submit any form, book, document or other paper of any kind in the language or languages specified by or under the Act;

(b) affects any requirement at law to give reasonable notice.

Translations

(7) Where any form, book, document or other paper of any kind is submitted by a municipality to a ministry of the Government of Ontario in French, the municipality shall, at the request of the minister of the ministry to which the form, book, document or other paper was submitted, supply the minister with an English translation thereof.

s. 124 (12),
re-enacted

8.—(1) Subsection 124 (12) of the said Act is repealed and the following substituted therefor:

Joint and
several
liability

(12) All debentures issued under the authority of this section are direct, joint and several obligations of the municipality and the school board, and, in the case of debentures issued by a regional or district municipality or the County of Oxford, are direct, joint and several obligations of that municipality, the school board and the area municipalities as defined in the Act establishing that municipality, but nothing in this subsection affects the rights of that municipality, the school board and such area municipalities as among themselves.

Ranking of
debentures

(12a) Notwithstanding any general or special Act or any differences in date of issue or maturity, every debenture issued by a municipality under the authority of this section shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the municipality,

except as to the availability of any sinking funds applicable to any particular issue of debentures.

- (2) Subsection 124 (15) of the said Act is repealed. s. 124 (15),
repealed

- 9.—(1) Subsection 143 (4) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act* may by by-law, without the assent of the electors” in the second, third and fourth lines and inserting in lieu thereof “may by by-law”. s. 143 (4),
amended

- (2) Subsection 143 (5) of the said Act is amended by striking out “without the assent of the electors” in the first and second lines. s. 143 (5),
amended

- (3) Subsection 143 (15) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the second, third and fourth lines. s. 143 (15),
amended

- 10.—(1) Subsection 143a (1) of the said Act, as enacted by section 6 of the Statutes of Ontario, 1982, chapter 24, is amended by striking out “which by-law shall not require the assent of the electors” in the third and fourth lines. s. 143a (1),
amended

- (2) Subsection 143a (13) of the said Act is amended by striking out “the assent of the electors and” in the second line. s. 143a (13),
amended

11. Clause 144 (a) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the first, second and third lines. s. 144 (a),
amended

- 12.—(1) Subsection 146 (1) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the second and third lines. s. 146 (1),
amended

- (2) Clause 146 (2) (b) of the said Act is amended by striking out “5” in the second line and inserting in lieu thereof “8”. s. 146 (2) (b),
amended

- 13.—(1) Subsection 147 (1) of the said Act is amended by striking out “having a population of not less than 20,000 as determined under the *Ontario Unconditional Grants Act*” in the second, third and fourth lines. s. 147 (1),
amended

- (2) Clause 147 (2) (b) of the said Act is amended by striking out “5” in the fifth line and inserting in lieu thereof “8”. s. 147 (2) (b),
amended

- 14.—(1) Subsection 149 (1) of the said Act is repealed and the following substituted therefor: s. 149 (1),
re-enacted

Corporation
may incur
debt

(1) Subject to the limitations in this or any other Act, a municipal corporation may incur a debt for the purposes of the municipality whether under this or under any other Act.

s. 149 (2),
amended

(2) Subsection 149 (2) of the said Act, exclusive of the clauses, is repealed and the following substituted therefor:

O.M.B.
approval
not required
R.S.O. 1980,
c. 347

(2) Sections 64 and 65 of the *Ontario Municipal Board Act* do not apply so as to require Municipal Board approval with respect to any of the following undertakings, works, projects, schemes, acts, matters or things, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by the municipality, corporation or any other municipal corporation,

s. 149 (3),
re-enacted

(3) Subsection 149 (3) of the said Act is repealed and the following substituted therefor:

Notice

(3) Where a municipal corporation applies to the Municipal Board for the approval of the incurring of a debt, the Board may direct that notice of the proposal to incur the debt be given in such manner as the Board may require and that the notice state that anyone objecting to the proposal may, within such time from the giving of the notice as may be prescribed by the Board, file with the clerk of the municipal corporation an objection to the proposal and the clerk shall forthwith forward a copy of the objection to the secretary of the Board.

s. 150 (1),
re-enacted

15. Subsection 150 (1) of the said Act is repealed and the following substituted therefor:

Contracts for
supply of
public utility
R.S.O. 1980,
c. 303

(1) A municipal corporation may enter into a contract for the supply of any service of a public utility as defined in the *Municipal Affairs Act* or of sewage works to the municipal corporation for its use or for resale to the inhabitants thereof for their use for such term of years as the Municipal Board may approve and may renew such contract from time to time for such further term of years as the Municipal Board may approve.

s. 151 (1),
re-enacted

16. Subsection 151 (1) of the said Act is repealed and the following substituted therefor:

Special
power of
county to
borrow

(1) A county council may in any year borrow any sum or sums not exceeding in the whole \$20,000 over and above what is required for its ordinary expenditure.

s. 152 (1),
amended

17.—(1) Subsection 152 (1) of the said Act is amended by striking out "without the assent of the electors" in the seventh and eighth lines.

- (2) Subsection 152 (2) of the said Act is repealed. s. 152 (2),
repealed
- 18.** Section 155 of the said Act is amended by striking out “and on conviction is liable to a fine of not more than \$100” in the sixth and seventh lines. s. 155,
amended
- 19.** The said Act is further amended by adding thereto the following section: s. 160a,
enacted
- 160a.—(1) In this section, “non-profit hospital service corporation” means a corporation without share capital that provides laundry or food services to one or more public hospitals, as defined in the *Public Hospitals Act*. Interpre-
tation

R.S.O. 1980,
c. 410
- (2) Real property occupied by a non-profit hospital service corporation and used chiefly and preponderantly by the corporation for one or both of the services mentioned in subsection (1) is exempt from taxation for municipal and school purposes but is not exempt from a sewage service rate that is imposed under subsection 218 (16) and that is based on the water rate. Tax
exemption
- (3) In each year, the Minister may pay to a local municipality, in which there is real property exempted from taxation under subsection (2), an amount equal to the taxes for municipal purposes that would have been payable in respect of that real property in that year if the real property had been subject to municipal taxation. Payment
in lieu
of taxes
- (4) Subsections 160 (12) to (19) apply with necessary modifications to an amount paid by the Minister to a local municipality under subsection (3) as though such amount were an amount levied by that local municipality under section 160. Apportion-
ment
- (5) For the purposes of subclause 365 (1) (j) (iii) an amount paid by the Minister to a local municipality under subsection (3) shall be deemed to have been received by the municipality under section 160. Idem
- 20.** Subsection 170 (2) of the said Act is amended by striking out “having a population of not less than 20,000, as determined under the *Ontario Unconditional Grants Act*” in the second, third and fourth lines. s. 170 (2),
amended
- 21.** Subsection 178 (2) of the said Act is repealed and the following substituted therefor: s. 178 (2),
re-enacted
- (2) Every treasurer who contravenes subsection (1) is guilty of an offence. Offence

s. 196 (10),
amended

22. Subsection 196 (10) of the said Act is amended by striking out “without the assent of the electors and” in the first and second lines.

s. 208,
par. 25 (a),
repealed

23.—(1) Clause (a) of paragraph 25 of section 208 of the said Act is repealed.

s. 208,
par. 43 (d),
amended

(2) Clause (d) of paragraph 43 of the said section 208 is amended by striking out “and on conviction is liable to a penalty of not more than \$50” in the sixth and seventh lines.

s. 208,
par. 56 (a),
re-enacted;
par. 56 (b, e),
repealed
Incorporation
and members

(3) Clauses (a), (b) and (e) of paragraph 56 of the said section 208 are repealed and the following substituted therefor:

(a) A parking authority established under this paragraph is a body corporate and shall consist of three members appointed by the council of the municipality, each of whom shall be either a member of the council of the municipality or qualified to be elected as a member thereof, and the members so appointed shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed.

s. 208, par. 57,
amended

(4) Paragraph 57 of the said section 208, exclusive of the clauses, is repealed and the following substituted therefor:

Special
undertakings

57. For acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, parks, recreational areas, playgrounds, athletic fields, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement, arenas, auditoriums, health or community recreation centres, stadia, museums, including public historical museums and similar buildings, within or outside the municipality and any such undertaking may be for the purpose of commemorating or honouring persons or events.

s. 210, par. 49,
amended

24.—(1) Clause (a) of subparagraph v of paragraph 49 of section 210 of the said Act is repealed.

s. 210,
par. 51 (b),
repealed

(2) Clause (b) of paragraph 51 of the said section 210 is repealed.

s. 210,
par. 92 (a),
repealed

(3) Clause (a) of paragraph 92 of the said section 210 is repealed.

s. 210, par. 94,
re-enacted

(4) Paragraph 94 of the said section 210 is repealed and the following substituted therefor:

94. For prohibiting or regulating and inspecting the erection or continuance of slaughter houses, and for prohibiting the slaughter of animals intended for food, except in slaughter houses designated in the by-law, but this paragraph does not apply to the slaughter of animals on land assessed as farm property for the use of the occupants of the property.

Slaughter
houses

25.—(1) Clause 218 (7) (d) of the said Act is repealed and the following substituted therefor: s. 218 (7) (d),
re-enacted

- (d) Either a mill rate on the assessed value of the lands designated under subsection (4) or a mill rate on the assessed value of the lands designated under subsection (4) and on the business assessment assessed against persons occupying or using the lands for the purpose of or in connection with a business.

(2) Subsection 218 (14) of the said Act is amended by adding thereto the following clause: s. 218 (14),
amended

- (c) provide for increasing the metre frontage rate upon lands that are triangular or irregularly shaped and for terminating the increased rate upon a basis that is equitable and just.

(3) Subsection 218 (15) of the said Act is repealed and the following substituted therefor: s. 218 (15),
re-enacted

(15) The council may by a general by-law or by a by-law applicable to the particular work prescribe terms and conditions upon which persons whose lands are liable to a sewer rate or water works rate imposed by a by-law under this section may commute such rate for a payment in cash. Commutation

(4) A by-law passed under subsection 218 (2) of the *Municipal Act*, or a predecessor thereof, prior to the coming into force of this section, is not invalid by reason only of the fact that the sewer rate or a water works rate imposed by it has been computed on the basis of a mill rate on the assessed value of lands and on the business assessment assessed against persons occupying or using such lands for the purpose of or in connection with a business and, in such case, the rate shall continue to be computed in the same manner until the by-law is repealed or amended to provide otherwise. Saving
R.S.O. 1980,
c. 302

26. Paragraph 6 of section 225 of the said Act is repealed. s. 225, par. 6,
repealed

27. Subsection 272 (1) of the said Act is repealed and the following substituted therefor: s. 272 (1),
re-enacted

Abandonment
by county
of roads

(1) The council of a county may by by-law abandon the whole or any part of any road owned by it, whether the road is situate wholly within the county or partly within it and partly within an adjoining county.

s. 287,
repealed

28.—(1) Section 287 of the said Act is repealed.

Saving
R.S.O. 1980,
c. 302

(2) The repeal of section 287 of the *Municipal Act* does not affect the rights of any person arising from debentures issued under a by-law passed under that section prior to the coming into force of this section.

s. 298 (1) (f),
re-enacted

29. Clause 298 (1) (f) of the said Act is repealed and the following substituted therefor:

(f) for permitting subways under and bridges over any highway upon such conditions as the council considers advisable.

s. 312,
repealed

30.—(1) Section 312 of the said Act is repealed.

Saving

(2) The repeal of section 312 of the *Municipal Act* does not affect the rights of any municipality arising from shares held by the municipality or the rights or obligations of the municipality in respect of loans or guarantees made by it where the shares were subscribed or the loans or guarantees were made under a by-law passed under that section prior to the coming into force of this section.

s. 342 (1),
amended

31. Subsection 342 (1) of the said Act is amended by striking out "shall submit for the assent of the electors of the village and, if it receives such assent" in the third and fourth lines.

s. 343 (4),
repealed

32. Subsection 343 (4) of the said Act is repealed.

s. 345 (1),
re-enacted

33.—(1) Subsection 345 (1) of the said Act is repealed and the following substituted therefor:

Acquiring
land for
parks,
exhibitions,
etc.

(1) Upon the petition of three-fourths of the persons qualified to vote at an election of trustees for a police village, the council of the township in which the police village is situate may pass a by-law for acquiring land within or outside the limits of the village for a highway or for a public park, garden or place for exhibitions, and for the erection thereon of such buildings and fences as the council considers necessary for the purposes of such highway, park, garden or place for exhibitions and may dispose of such land when no longer required for such purposes.

s. 345 (6),
repealed

(2) Subsection 345 (6) of the said Act is repealed.

- 34.** Section 346 of the said Act is repealed and the following substituted therefor: s. 346,
re-enacted

346.—(1) Notwithstanding sections 342, 343 and 344, where a police village comprises parts of two or more townships the trustees of the police village have all the powers of a council of a village to pass by-laws for the purposes mentioned in those sections, but this subsection does not authorize the trustees of a police village to issue debentures. Trustees to
pass money
by-laws where
village situate
in two or more
townships

(2) A by-law passed under subsection (1) shall fix the proportion of the debt for payment of which the special rate is to be imposed, which is to be borne by the part of the village situate in each township, and such proportion shall be the same as that in which the annual sum to be levied as provided by section 336 is to be levied according to the then last determination of the assessors or of the assessors and inspecting trustee under section 337. Proportions
of debt

(3) The trustees shall serve a certified copy of a by-law passed under subsection (1) upon the clerk of each of the townships within which a part of the police village is situate. Certified
copy for each
township

(4) The council of each township shall forthwith thereafter pass a by-law for raising the amount that is to be borne by that part of the village situate in the township by the issue of debentures of the corporation of the township, payable as provided by the by-law of the trustees, and it is not necessary that such by-law impose any rate for the payment of the debentures. By-law of
township for
raising money

(5) The special rates imposed by the by-law of the trustees shall be levied and collected by the councils of the townships within which the property upon which they are imposed is situate. Special
rates

- 35.**—(1) Subsection 379 (1) of the said Act is amended by striking out “cities, towns, villages and townships” in the first line and inserting in lieu thereof “local municipalities”. s. 379 (1),
amended

(2) Subsection 379 (2) of the said Act is amended by striking out “cities, towns, villages and townships” in the first line and inserting in lieu thereof “local municipalities”. s. 379 (2),
amended

- 36.** Subsection 380 (1) of the said Act is amended by striking out “cities, towns, villages and townships” in the first and second lines and inserting in lieu thereof “local municipalities”. s. 380 (1),
amended

- 37.** Subsection 386 (1) of the said Act is amended by striking out “cities, towns, villages and townships” in the first line and inserting in lieu thereof “local municipalities”. s. 386 (1),
amended

s. 473,
re-enacted

- 38.** Section 473 of the said Act is repealed and the following substituted therefor:

Offence for
officers
failing to
perform
their duty

473. Every treasurer, clerk or other officer who refuses or neglects to perform any duty required of him by this Part is guilty of an offence.

s. 474,
repealed

- 39.** Section 474 of the said Act is repealed.

s. 483,
amended

- 40.** Section 483 of the said Act is amended by striking out "and on conviction is liable to a fine of not more than \$200" in the third and fourth lines.

Commence-
ment

- 41.** This Act comes into force on the day it receives Royal Assent.

Short title

- 42.** The short title of this Act is the *Municipal Amendment Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov. 18 1982

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend the Municipal Act

1st Reading

June 17th, 1982

2nd Reading

November 2nd, 1982

3rd Reading

November 16th, 1982

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

Bill 159

*(Chapter 1
Statutes of Ontario, 1983)*

An Act to revise the Planning Act

The Hon. C. Bennett

Minister of Municipal Affairs and Housing

<i>1st Reading</i>	March 9th, 1982
<i>2nd Reading</i>	March 9th, 1982
<i>3rd Reading</i>	January 25th, 1983
<i>Royal Assent</i>	January 27th, 1983

Bill 159**1982****An Act to revise the Planning Act**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "committee of adjustment" means a committee of adjustment constituted under section 43;
- (b) "land division committee" means a land division committee constituted under section 55;
- (c) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof;
- (d) "local municipality" means a city, town, village and township;
- (e) "Minister" means the Minister of Municipal Affairs and Housing;
- (f) "Municipal Board" means the Ontario Municipal Board;
- (g) "municipality" means a local municipality, a county and a regional, metropolitan or district municipality;
- (h) "official plan" means a document approved by the Minister, containing objectives and policies established primarily to provide guidance for the physical development of a municipality or a part thereof or an

area that is without municipal organization, while having regard to relevant social, economic and environmental matters;

- (i) “prescribed” means prescribed by the regulations;
- (j) “public work” means any improvement of a structural nature or other undertaking that is within the jurisdiction of the council of a municipality or a local board;
- (k) “regulations” means regulations made under this Act.

PART I

PROVINCIAL ADMINISTRATION

Responsi-
bility of
Minister

2. The Minister, in carrying out his responsibilities under this Act, will have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of the natural environment, including the agricultural resource base of the Province, and the management of natural resources;
- (b) the protection of features of significant natural, architectural, historical or archaeological interest;
- (c) the supply, efficient use and conservation of energy;
- (d) the provision of major communication, servicing and transportation facilities;
- (e) the equitable distribution of educational, health and other social facilities;
- (f) the co-ordination of planning activities of municipalities and other public bodies;
- (g) the resolution of planning conflicts involving municipalities and other public bodies;
- (h) the health and safety of the population; and
- (i) the protection of the financial and economic well-being of the Province and its municipalities.

Policy
statements

3.—(1) The Minister, or the Minister together with any other minister of the Crown, may from time to time issue pol-

icy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest.

(2) Before issuing a policy statement, the Minister shall confer with such municipal, provincial, federal or other officials and bodies or persons as the Minister considers have an interest in the proposed statement.

Minister to confer

(3) Where a policy statement is issued under subsection (1), the Minister shall cause it to be published in *The Ontario Gazette* and he shall give or cause to be given such further notice thereof, in such manner as he considers appropriate, to all members of the Assembly, to all municipalities and to such other agencies, organizations or persons as he considers have an interest in the statement.

Notice

(4) Each municipality that receives notice of a policy statement under subsection (3) shall in turn give notice of the statement to each local board of the municipality that it considers has an interest in the statement.

Idem

(5) In exercising any authority that affects any planning matter, the council of every municipality, every local board, every minister of the Crown and every ministry, board, commission or agency of the government, including the Municipal Board and Ontario Hydro, shall have regard to policy statements issued under subsection (1).

Regard to be had to policy statements

4.—(1) The Minister, on the request of the council of any municipality, may, by order, delegate to the council any of the Minister's authority under this Act other than the authority to approve the official plan or amendments thereto of the municipality of which it is the council, under section 50 of the *Condominium Act*, under subsection 298 (11) and subsection 306 (2) of the *Municipal Act*, under subsection 82 (3) of the *Registry Act* and under section 145 of the *Land Titles Act* and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Delegation of Minister's powers: to municipality

R.S.O. 1980, cc. 84, 302, 445, 230

(2) The Minister, on the request of the planning board of any planning area in a territorial district, may, by order, delegate to the planning board any of the Minister's authority under this Act, other than the authority to approve official plans and amendments thereto, and where the Minister has delegated any such authority the planning board has, in lieu of the Minister,

to planning board

all the powers and rights of the Minister in respect thereof and the planning board shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Conditions (3) A delegation made by the Minister under subsection (1) or (2) may be subject to such conditions as the Minister may by order provide.

Withdrawal of delegation of powers (4) The Minister may by order, accompanied by a written explanation therefor, withdraw any delegation made under subsection (1) or (2) and, without limiting the generality of the foregoing, such withdrawal may be either in respect of one or more applications for approval specified in the order or in respect of any or all applications for approval made subsequent to the withdrawal of the delegation, and immediately following any such withdrawal the council or the planning board, as the case may be, shall forward to the Minister all papers, plans, documents and other material in the possession of the municipal corporation or the planning board that relate to any matter in respect of which the authority was withdrawn and of which a final disposition was not made by the council or the planning board prior to such withdrawal.

Further delegation of powers 5.—(1) Where the Minister has delegated any authority to a council under section 4, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate any of such authority, other than the authority to approve official plans and amendments thereto, to a committee of council or to an appointed officer identified in the by-law either by name or position occupied and such committee or officer, as the case may be, has, in lieu of the Minister, all the powers and rights of the Minister in respect of such delegated authority and shall be responsible for all matters pertaining thereto including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Idem (2) In addition to the authority of a council to, in turn, delegate any authority under subsection (1), where the Minister has delegated to a council his authority for the giving of consents under section 52, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate the authority for the giving of consents to a committee of adjustment constituted under section 43 and the provisions of subsections 52 (2) to (9) and (15) to (22) apply with necessary modifications in the exercise of that authority.

Conditions (3) A delegation made by a council under subsection (1) or (2) may be subject to such conditions as the council may by by-

law provide and as are not in conflict with any conditions provided by order of the Minister under section 4.

(4) A council may by by-law withdraw any delegation made under subsection (1) or (2), whereupon the provisions of subsection 4 (4) apply with necessary modifications.

Withdrawal
of
delegation of
powers

6.—(1) In this section, “ministry” means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government and Ontario Hydro.

Interpre-
tation

(2) A ministry, before carrying out or authorizing any undertaking that the ministry considers will directly affect any municipality, shall consult with, and have regard for, the established planning policies of the municipality.

Consultation

7. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants of money to assist in the performing of any duty or function of a planning nature.

Grants

PART II

LOCAL PLANNING ADMINISTRATION

8.—(1) The council of a municipality may appoint a planning advisory committee composed of such persons as the council may determine.

Planning
advisory
committee

(2) The councils of two or more municipalities may enter into agreement to provide for the joint undertaking of such matters of a planning nature as may be agreed upon and may appoint a joint planning advisory committee composed of such persons as they may determine.

Joint
planning
by agreement

(3) Persons appointed to a committee under this section may be paid such remuneration and expenses as the council or councils may determine, and where a joint committee is appointed, the councils may by agreement provide for apportioning to their respective municipalities the costs of the payments.

Remuner-
ation

9.—(1) The Minister may define and name a planning area consisting of the whole of two or more municipalities that are situate in a territorial district or consisting of the whole of one or more municipalities and territory without municipal organization.

Planning
area
defined by
Minister

Planning
board for
planning
area
to board

(2) Where a planning area is defined under subsection (1), the Minister shall establish the planning board for the planning area and specify the name of the board and the number of members to be appointed to it by the council of each municipality within the planning area and the number of members, if any, to be appointed by the Minister.

Appointments
to board

(3) The council of each municipality shall appoint to the planning board the number of members specified by the Minister under subsection (2) and, after the initial appointments, the appointments shall be made by each successive council as soon as practicable after the council is organized.

Term of
office

(4) The members,

- (a) appointed by the council of each municipality shall hold office for the term of the council that appointed them; and
- (b) appointed by the Minister shall hold office for the term specified by the Minister in their appointment,

and until their successors are appointed.

Planning
area in
unorganized
territory

10. The Minister may define and name a planning area consisting of territory without municipal organization and may establish and name a planning board for the planning area and appoint the members thereof.

Body
corporate,
quorum

11.—(1) A planning board is a body corporate and a majority of its members constitutes a quorum.

Chairman

(2) A planning board shall annually elect a chairman and a vice-chairman who shall preside in the absence of the chairman.

Secretary-
treasurer,
employees,
consultants

(3) A planning board shall appoint a secretary-treasurer, who may be a member of the board, and may engage such employees and consultants as is considered appropriate.

Execution of
documents

(4) The execution of documents by a planning board shall be evidenced by the signatures of the chairman or the vice-chairman and of the secretary-treasurer, and the corporate seal of the board.

Estimates:
one
municipality

12.—(1) A planning board established by the Minister for a planning area consisting of one municipality and territory without municipal organization shall submit annually to the council of the municipality an estimate of its financial requirements for the year and the council may amend such estimate

and shall pay to the secretary-treasurer of the planning board out of the moneys appropriated for the planning board such amounts as may be requisitioned from time to time.

(2) In the case of a planning board established for a planning area consisting of two or more municipalities or consisting of two or more municipalities and territory without municipal organization, the planning board shall annually submit its estimates to the council of each of such municipalities together with a statement as to the proportion thereof to be chargeable to each municipality.

two or more municipalities

(3) If the estimates submitted under subsection (2) are approved, or are amended and approved, by the councils of municipalities representing more than one-half of the population of the planning area for which the board was established, the estimates are binding on all the municipalities.

When estimates binding

(4) After the estimates have been approved as provided in subsection (3), the planning board shall so notify each municipality involved and shall notify each such municipality of the total approved estimates and the amount thereof chargeable to it, based on the apportionment set out in the statement submitted under subsection (2).

Notification

(5) If the council of any municipality is not satisfied with the apportionment, it may, within fifteen days after receiving the notice under subsection (4), notify the planning board and the secretary of the Municipal Board that it desires the apportionment to be made by the Board.

Where apportionment not satisfactory

(6) The Municipal Board shall hold a hearing and determine the apportionment and its decision is final.

Power of O.M.B

(7) Each municipality shall pay to the secretary-treasurer of the planning board such amounts as may be requisitioned from time to time up to the amount determined by the planning board under subsection (4) or by the Municipal Board under subsection (6), as the case may be.

Payment

13. Any municipality within a planning area may make grants of money to the planning board of the planning area.

Municipal grants

14.—(1) A planning board shall provide advice and assistance in respect of such planning matters affecting the planning area as are referred to the board,

Duties of planning board: advice and assistance

(a) by the councils to which the board submits its estimates under section 12, or by any of such councils; or

- (b) by the Minister, in the case of a planning board appointed for a planning area consisting solely or partially of territory without municipal organization.

preparation
of official
plan

(2) A planning board shall prepare a plan suitable for adoption as the official plan of the planning area, or at the request of any of the councils mentioned in subsection (1), prepare a plan suitable for adoption as the official plan of the municipality of which it is the council.

Upper-tier
municipalities;
planning
functions

15. The council of a county or of a regional, metropolitan or district municipality, on such terms and conditions as may be agreed upon with the council of a local municipality that for municipal purposes forms part of the county or that forms part of the regional, metropolitan or district municipality, as the case may be, may,

- (a) assume any authority, responsibility, duty or function of a planning nature that the local municipality has under this or any other Act; or
- (b) provide advice and assistance to the local municipality in respect of planning matters generally.

PART III

OFFICIAL PLANS

Contents of
official plan

16. In addition to the objectives and policies referred to in clause 1 (h), an official plan may contain a description of,

- (a) the measures and procedures proposed to attain the objectives of the plan; and
- (b) the measures and procedures for informing and securing the views of the public in respect of a proposed amendment to, or of a proposed revision of, the plan, or in respect of a proposed zoning by-law.

Preparation
of official
plan by
municipality

17.—(1) The council of a municipality may provide for the preparation of a plan suitable for adoption as the official plan of the municipality.

Information
and public
meeting

(2) The council shall ensure that in the course of the preparation of the plan adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in the manner and to the persons prescribed.

(3) The meeting mentioned in subsection (2) shall be held not sooner than thirty days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed plan.

Time for
meeting, etc.

(4) Where an official plan contains provisions describing the measures for informing and securing the views of the public in respect of amendments that may be proposed for the plan, the provisions of subsections (2) and (3) do not apply to such amendments if the measures are complied with.

Alternative
procedure

(5) The council shall provide to such boards, commissions, authorities or other agencies as the council considers may have an interest in the proposed plan adequate information, and before adopting the plan the council shall afford them an opportunity to submit comments in respect of the plan up to such time as is specified by the council.

Comments
by agencies,
etc.

(6) When the requirements of subsections (2), (3), (4) and (5) have been met and the council is satisfied that the plan as finally prepared is suitable for adoption, it may by by-law adopt the plan and submit it to the Minister for approval.

Adoption
of plan

(7) When the plan is adopted, the council shall cause to be compiled and forwarded to the Minister a record which shall include,

Record

- (a) a certified copy of the by-law adopting the plan;
- (b) a statement by an employee of the municipality certifying that the requirements for the giving of notice and the holding of at least one public meeting as mentioned in subsection (2) or as described in the provisions of the official plan mentioned in subsection (4), as the case may be, and, for the giving of notice as mentioned in subsection (8), have been complied with;
- (c) the original or true copy of all written submissions or comments and accompanying material received prior to the adoption of the plan; and
- (d) such other information or material as the Minister may require.

(8) Where the council adopts the plan, the clerk of the municipality shall, not later than fifteen days after the day the plan was adopted, give written notice of the adoption of the

Notice

plan to the Minister, to each person who filed with the clerk a written request to be notified if the plan is adopted and to each body that submitted comments under subsection (5) and that in writing requested to be notified if the plan is adopted.

Approval,
refusal to
approve or
modification
of plan by
Minister

(9) The Minister may confer with municipal, provincial or federal officials, with officials of commissions, authorities or corporations and with such other bodies or persons as the Minister considers may have an interest in the approval of the plan and, subject to subsection (11), may then approve, or, after consultation with the council, refuse to approve the plan or, if modifications appear desirable to the Minister, he may, after consultation with the council, make the modifications to the plan and approve the plan as modified.

Approval of
plan in part

(10) The Minister, instead of approving the whole of the plan, may approve part only of the plan and may, from time to time, approve additional parts of the plan, provided that nothing herein derogates from the right of any person or other body to request the Minister to refer any part of the plan to the Municipal Board under subsection (11).

Referral of
plan or part
thereof to
O.M.B.

(11) The Minister may refer the plan or any part of the plan to the Municipal Board and where the council or any person or other body requests the Minister to refer the plan or any part of the plan to the Municipal Board, the Minister shall refer the plan or such part to the Board, together with the statement mentioned in subsection (12), unless in his opinion, such request is not made in good faith or is frivolous or vexatious or is made only for the purpose of delay.

Reasons

(12) Where a person submits a request to the Minister under subsection (11), he shall include therewith a statement in writing setting out the reasons for the request.

Explanation
for refusal to
refer

(13) Where the Minister refuses to refer the plan or any part of the plan to the Municipal Board as requested under subsection (11), he shall provide a written explanation for the refusal.

Parties

(14) The parties to a referral are the person or other body, if any, that requested the referral, the municipality and any person or other body added as a party by the Municipal Board.

Adding of
parties

(15) The Municipal Board may add as a party to the referral any person, including the Minister or other body who applies to the Board to be added as a party.

Represent-
ations by
person not a
party

(16) Despite the fact that a person is not a party to the referral, the Municipal Board may permit the person to make representations at the hearing.

(17) On a referral to the Municipal Board, the Board shall hold a hearing of which notice shall be given to the parties to the referral, and to such other persons or bodies as the Board considers appropriate.

Hearing and
notice
thereof

(18) The Municipal Board may make any decision that the Minister could have made.

Decision

(19) Where the plan or any part of the plan is referred to the Municipal Board under subsection (11), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the plan or the part thereof, may so advise the Board in writing not later than thirty days before the day fixed by the Board for the hearing of the referral and the Minister shall identify the part or parts of the plan or the part or parts of the part of the plan, as the case may be, by which the provincial interest is, or is likely to be, adversely affected.

Where
provincial
interest
adversely
affected

(20) Where the Municipal Board has received notice from the Minister under subsection (19) the decision of the Board is not final and binding in respect of the part or parts identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of the part or parts.

Decision
where
provincial
interest

(21) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board in respect of the part or parts of the plan identified in the notice and in doing so may direct the Minister to modify the part or parts of the plan.

Power of
Lieutenant
Governor in
Council

18.—(1) Where a plan is prepared by a planning board, the plan shall not be recommended to any council for adoption as an official plan unless it is approved by a vote of the majority of all the members of the planning board.

Recom-
mendation
of plan

(2) When the plan is approved by the planning board, the board shall submit a copy thereof, certified by the secretary-treasurer of the board to be a true copy,

Submission
of plan to
council

(a) in the case of a plan prepared for a planning area, to the council of each municipality that is within the planning area; and

(b) in the case of a plan prepared at the request of a single municipality, to the council of that municipality,

together with a recommendation that it be adopted by the council.

(3) Each council to which the plan is submitted may, subject to subsections 17 (2) to (6), by by-law adopt the plan and the

Adoption of
plan

clerk of each municipality, the council of which adopted the plan, shall provide the secretary-treasurer of the planning board with a certified copy of the adopting by-law and shall comply with subsections 17 (7) and (8).

Submission
of plan to
Minister

(4) When the secretary-treasurer of the planning board has received a certified copy of an adopting by-law from a majority of the councils to which the plan was submitted he shall submit the plan to the Minister for approval together with each certified copy of the adopting by-law, and thereafter subsections 17 (9) to (21) apply.

Application
of s. 17 (2-21)

(5) Where a planning area consists of the whole of one or more municipalities and territory without municipal organization the provisions of subsections 17 (2) to (21) apply, with necessary modifications, in respect of the part of the planning area that consists of territory without municipal organization as though the planning board were the council of a municipality and the secretary-treasurer of the planning board were the clerk of the municipality.

Adoption of
plan in
unorganized
territory

19. Before adopting a plan for a planning area consisting solely of territory without municipal organization, the planning board,

- (a) shall ensure that in the course of the preparation of the plan adequate information is made available to the public through the holding of one or more public meetings or, in the case of an amendment to the official plan, through such other measures as are provided for in the official plan, and shall afford every person who so requests an opportunity to make representation in respect of the plan; and
- (b) shall provide to such boards, commissions, authorities or other agencies as the planning board considers may have an interest in the proposed plan adequate information, and shall afford them an opportunity to submit comments in respect of the plan up to such time as is specified by the planning board,

and thereafter subsections 17 (6) to (21) apply, with necessary modifications, as though the planning board were the council of a municipality and the secretary-treasurer were the clerk of the municipality.

Lodging of
plan

20.—(1) Two certified copies of the official plan shall be lodged in the office of the Minister and one certified copy in the office of the clerk of each municipality specified by the Minister.

(2) The lodging required by subsection (1) shall be carried out, Who to lodge plan

(a) in the case of an official plan that applies to only one municipality or part thereof or to only one municipality and territory without municipal organization, by the clerk of the municipality; and

(b) in the case of an official plan that applies to more than one municipality or parts thereof, by the clerk of the municipality that has the largest population.

(3) All copies lodged under subsection (1) shall be available for public inspection during office hours. Public inspection

21.—(1) Except as hereinafter provided, the provisions of this Act with respect to an official plan apply, with necessary modifications, to amendments thereto or the repeal thereof, provided that the council of a municipality that is within a planning area may initiate an amendment to or the repeal of any official plan that applies to the municipality, and the provisions of section 17 apply to any such amendment or repeal. Amendment or repeal of plan

(2) Where the Minister is satisfied that there is not a matter of provincial interest adversely affected by an amendment to an official plan submitted to him for approval and no request for referral has been received under subsection 17 (11) he may, in writing, waive the requirement for approval thereof, whereupon the amendment shall be deemed to be approved. Waiver of requirement for approval

22.—(1) Where any person requests a council to initiate an amendment to an official plan, other than an official plan that applies in whole or in part to territory without municipal organization, and the council refuses to adopt the amendment or fails to adopt it within thirty days from the receipt of the request, such person may request the Minister to refer the proposed amendment to the Municipal Board. Referral of proposed amendment to plan to O.M.B.

(2) Where any person requests a planning board to initiate an amendment to an official plan that applies in whole or in part to territory without municipal organization and the planning board refuses to adopt the amendment or to recommend the amendment for adoption, as the case may be, or fails to adopt or recommend it within thirty days from the receipt of the request, such person may request the Minister to refer the proposed amendment to the Municipal Board. Idem

(3) The Minister may confer on the proposed amendment in like manner as he is authorized to confer under subsection 17 (9) and he may refuse the request to refer the proposed amend- Powers of Minister to confer, etc.

ment to the Municipal Board on providing a written explanation for the refusal or may refer the proposed amendment to the Board.

Application
of s. 17 (14-
17)

(4) The provisions of subsections 17 (14) to (17) apply with necessary modifications when a proposed amendment is referred to the Municipal Board under subsection (3) and the Board shall hold a hearing and thereafter reject the proposed amendment or make the amendment in such manner as the Board may determine or direct that the council cause the amendment to be made in the manner provided in the order of the Board.

Where
provincial
interest
adversely
affected

(5) Where a proposed amendment is referred to the Municipal Board under subsection (3), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the proposed amendment, may so advise the Municipal Board in writing not later than thirty days before the day fixed by the Board for the hearing of the referral and the Minister shall identify the part or parts of the proposed amendment by which the provincial interest is, or is likely to be, adversely affected.

Procedure by
O.M.B.

(6) Where the Municipal Board receives notice from the Minister under subsection (5) the provisions of subsections 17 (20) and (21) apply with necessary modifications.

Request by
Minister to
amend plan

23.—(1) Where the Minister is of the opinion that a matter of provincial interest as set out in a policy statement issued under section 3 is, or is likely to be, adversely affected by an official plan, the Minister may request the council of a municipality to adopt such amendment as the Minister specifies to an official plan and, where the council refuses the request or fails to adopt the amendment within such time as is specified by the Minister in his request, the Minister may make the amendment.

Hearing by
O.M.B.

(2) Where the Minister proposes to make an amendment to an official plan under subsection (1), the Minister may, and on the request of any person or municipality shall, request the Municipal Board to hold a hearing on the proposed amendment and the Board shall thereupon hold a hearing as to whether the amendment should be made.

Refusal to
refer to
O.M.B.

(3) Despite subsection (2), where the Minister is of the opinion that a request of any person or municipality made under subsection (2) is not made in good faith or is frivolous or vexatious or is made only for the purpose of delay, he may refuse the request.

(4) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (2), notice of the hearing shall be given in such manner and to such persons as the Board may direct, and the Board shall hear any submissions that any person may desire to bring to the attention of the Board. Notice

(5) The Municipal Board, after the conclusion of the hearing, shall make a decision as to whether the proposed amendment, or an alternative form of amendment, should be made but the decision is not final and binding unless the Lieutenant Governor in Council has confirmed it. Decision of
O.M.B.

(6) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board made under subsection (5) and in doing so may direct the Minister to amend the plan in such manner as the Lieutenant Governor in Council may determine. Powers of
L. G. in C.

24.—(1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. Public works
and by-laws
to conform
with plan

(2) Where a council has adopted an amendment to an official plan, it may, before the Minister has approved the amendment, pass a by-law that does not conform with the official plan but will conform therewith if the amendment is approved, and the by-law shall be conclusively deemed to have conformed with the official plan on and from the day it was passed if the Minister approves the amendment to the official plan. Validity of
by-laws
conforming
with
amendments
to plans

(3) Despite subsections (1) and (2), the council of a municipality may take into consideration the undertaking of a public work that does not conform with the official plan and for that purpose the council may apply for any approval that may be required for the work, carry out any investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work, but nothing in this subsection authorizes the actual undertaking of any public work that does not conform with an official plan. Preliminary
steps that
may be taken
where
proposed
public work
would not
conform with
official plan

(4) Where a by-law is passed under section 34 by the council of a municipality in which an official plan is in effect and, within the time limited for appeal, When zoning
by-law
deemed to
conform with
official plan

(a) no appeal is taken; or

- (b) an appeal is taken and the appeal is dismissed or the by-law is amended as directed on the appeal,

the by-law shall be conclusively deemed to be in conformity with the official plan, except that where the by-law is passed in the circumstances mentioned in subsection (2) the by-law shall be conclusively deemed to be in conformity with the official plan on and from the day the by-law was passed, if the Minister approves the amendment to the official plan as mentioned in subsection (2).

Acquisition of lands in accordance with provisions of plan

25.—(1) If there is an official plan in effect in a municipality that includes provisions relating to the acquisition of land, which provisions have been approved by the Minister after the 28th day of June, 1974, the council may, in accordance with such provisions, acquire and hold land within the municipality for the purpose of developing any feature of the official plan, provided that any land so acquired or held may be sold, leased or otherwise disposed of when no longer required.

Contribution towards cost

(2) Any municipality may contribute towards the cost of acquiring land under this section.

Determination of need for revision of plan

26.—(1) The council of every municipality that has adopted and had approved an official plan shall from time to time, and not less frequently than every five years, hold a special meeting of council, open to the public, for the purpose of determining the need for a revision of the official plan.

Notice

(2) Notice of every special meeting held under subsection (1) shall be published at least once a week in each of two separate weeks, such publication to be completed not later than thirty days before the date of the meeting, and the council shall afford any person who attends the meeting an opportunity to be heard in respect of the need for a revision of the plan.

Direction by Minister

(3) Despite subsection (1), the Minister may, at any time, direct the council of a municipality to undertake a revision of any official plan or part thereof in effect in the municipality and when so directed the municipal council shall cause the revision to be undertaken without undue delay.

Amendments to conform with upper-tier plans

27.—(1) When the Minister has approved an official plan adopted by a county or by a regional, metropolitan or district municipality,

(a) every official plan; and

(b) every zoning by-law passed under section 34 of this Act or a predecessor thereof,

that is then in effect in the area affected by the county, regional, metropolitan or district plan shall be amended to conform therewith.

(2) Where an official plan is approved as mentioned in subsection (1) and any official plan or zoning by-law is not amended as required by that subsection within one year of the approval of the plan, the council of the county or of the regional, metropolitan or district municipality may thereupon amend the official plan or zoning by-law, as the case may be, in like manner and subject to the same requirements and procedures as if such council was the council that failed to make the amendment within the one year period as herein required.

Amendment
by upper-tier
municipality

(3) Where an amending by-law is passed under subsection (2) by the council of a county or the council of a regional, metropolitan or district municipality, the amending by-law shall be deemed for all purposes to be a by-law passed by the council of the municipality that passed the by-law that was amended.

Deemed to
be by-law of
lower-tier
municipality

(4) In the event of a conflict between the official plan of a county or of a regional, metropolitan or district municipality and the official plan of a local municipality, the plan of the county or of the regional, metropolitan or district municipality, as the case may be, prevails to the extent of such conflict, but in all other respects the official plan of the local municipality remains in full force and effect.

Where
conflict
between
plans

PART IV

COMMUNITY IMPROVEMENT

28.—(1) In this section,

Interpre-
tation

- (a) “community improvement” means the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, reconstruction and rehabilitation, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary;
- (b) “community improvement plan” means a plan approved by the Minister for the community improvement of a community improvement project area;

- (c) "community improvement project area" means an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other reason.

Designation
of
community
improvement
project area

(2) Where there is an official plan in effect in a local municipality that contains provisions relating to community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area.

Acquisition
and clearance
of land

(3) When a by-law has been passed under subsection (2), the municipality may,

- (a) acquire land within the community improvement project area with the approval of the Minister if the land is acquired before the community improvement plan mentioned in subsection (4) is approved and without the approval of the Minister if the land is acquired after the community improvement plan is approved;
- (b) hold land acquired before or after the passing of the by-law within the community improvement project area; and
- (c) clear, grade or otherwise prepare the land for community improvement.

Preparation
of
community
improvement
plan

(4) When a by-law has been passed under subsection (2), the council may provide for the preparation of a plan suitable for adoption as a community improvement plan for the community improvement project area and the provisions of subsections 17 (2) to (21) apply, with necessary modifications, in respect of the community improvement plan and any amendments thereto, provided however, where an official plan contains provisions describing the measures mentioned in subsection 17 (4), the provisions of subsections 17 (2) and (3) do not apply in respect of the community improvement plan and any amendments thereto, if the measures are complied with.

Deemed
community
improvement
plan

(5) The Minister may, in writing, deem the provisions relating to community improvement mentioned in subsection (2) to be a community improvement plan for the purposes of this section.

(6) For the purpose of carrying out the community improvement plan, the municipality may,

Powers of council re land

- (a) construct, repair, rehabilitate or improve buildings on land acquired or held by it in the community improvement project area in conformity with the community improvement plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;
- (b) sell, lease or otherwise dispose of any land acquired or held by it in the community improvement project area to any person or governmental authority for use in conformity with the community improvement plan.

(7) For the purpose of carrying out the community improvement plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the community improvement project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan.

Grants or loans

(8) The provisions of subsections 32 (2) and (3) apply with necessary modifications to any loan made under subsection (7) of this section.

Application of s. 32 (2, 3)

(9) Until a by-law or amending by-law passed under section 34 after the adoption of the community improvement plan is in force in the community improvement project area, no land acquired, and no building constructed, by the municipality in the community improvement project area shall be sold, leased or otherwise disposed of unless the person or authority to whom it is disposed of enters into a written agreement with the municipality that he will keep and maintain the land and building and the use thereof in conformity with the community improvement plan until such a by-law or amending by-law is in force, but the municipality may, during the period of the development of the plan, lease any land or any building or part thereof in the area for any purpose, whether or not in conformity with the community improvement plan, for a term of not more than three years at any one time.

Conditions of sale, etc.

(10) An agreement entered into under subsection (9) may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against any party to the agreement and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners or tenants of the land.

Registration of agreement

R.S.O. 1980, cc. 445, 230

Debentures
R.S.O. 1980,
c. 302

(11) Despite subsection 143 (1) of the *Municipal Act*, debentures issued by the municipality for the purpose of this section may be for such term of years as the debenture by-law, with the approval of the Municipal Board, provides.

Dissolution
of area

(12) When the council is satisfied that the community improvement plan has been carried out, the council may, by by-law, dissolve the community improvement project area.

Agreement
re studies and
development

29.—(1) A municipality, with the approval of the Minister, may enter into agreement with any governmental authority or any agency thereof created by statute, for the carrying out of studies and the preparation and implementation of plans and programs for the development or improvement of the municipality.

Where
approval of
Minister not
required

(2) Despite subsection (1), a municipality may enter into agreement with one or more other municipalities under subsection (1) without the approval of the Minister.

Agreements
for grants in
aid of
community
improvement

30. The Minister, with the approval of the Lieutenant Governor in Council, and a municipality may enter into agreement providing for payment to the municipality on such terms and conditions and in such amounts as may be approved by the Lieutenant Governor in Council to assist in the community improvement of a community improvement project area as defined in section 28, including the carrying out of studies for the purpose of selecting areas for community improvement.

Interpre-
tation

31.—(1) In this section,

- (a) “committee” means a property standards committee established under this section;
- (b) “occupant” means any person or persons over the age of eighteen years in possession of the property;
- (c) “officer” means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under this section;
- (d) “owner” includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the prop-

erty in accordance with the standards for the maintenance and occupancy of property;

- (e) “property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;
- (f) “repair” includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform with the standards established in a by-law passed under this section.

(2) Where there is no official plan in effect in a local municipality, the council of the municipality may, by by-law approved by the Minister, adopt a policy statement containing provisions relating to property conditions.

Adoption of
policy
statement

(3) If,

- (a) an official plan that includes provisions relating to property conditions is in effect in a local municipality; or
- (b) the council of a local municipality has adopted a policy statement as mentioned in subsection (2),

Standards
for
maintenance
and
occupancy

the council of the municipality may pass a by-law,

- (c) for prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards;
- (d) for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition;
- (e) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a by-law passed under the authority of this section.

Inspection

(4) Subject to subsection (5), when a by-law under this section is in effect, an officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property.

Entry
into
dwelling
place

R.S.O. 1980,
c. 400

(5) Except under the authority of a search warrant issued under section 142 of the *Provincial Offences Act*, an officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

Notice of
violation

(6) If, after inspection, the officer is satisfied that in some respect the property does not conform with the standards prescribed in the by-law, he shall serve or cause to be served by personal service upon, or send by prepaid registered mail to, the owner of the property and all persons shown by the records of the land registry office and the sheriff's office to have any interest therein a notice containing particulars of the nonconformity and may, at the same time, provide all occupants with a copy of such notice.

Contents of
under

(7) After affording any person served with a notice provided for by subsection (6) an opportunity to appear before the officer and to make representations in connection therewith, the officer may make and serve or cause to be served upon or send by prepaid registered mail to such person an order containing,

- (a) the municipal address or the legal description of such property;
- (b) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition and the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not so done within the time specified in the order, the municipality may carry out the repair or clearance at the expense of the owner; and
- (c) the final date for giving notice of appeal from the order.

Order to
be sent to
last known
address

(8) A notice or an order under subsection (6) or (7), when sent by registered mail shall be sent to the last known address of the person to whom it is sent.

(9) If the officer is unable to effect service under subsection (6) or (7), he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other persons.

Substituted
service

(10) An order under subsection (7) may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (7) and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

Registration
of notice

(11) Every by-law passed under this section shall provide for the establishment of a property standards committee composed of such persons, not fewer than three, as the council considers advisable and who shall hold office for such term and on such conditions as may be prescribed in the by-law, and the council of the municipality, when a vacancy occurs in the membership of the committee, shall forthwith fill the vacancy.

Property
standards
committee

(12) The members of the committee shall elect one of themselves as chairman, and when the chairman is absent through illness or otherwise, the committee may appoint another member as acting chairman and shall make provision for a secretary for the committee, and any member of the committee may administer oaths.

Chairman,
acting
chairman,
secretary

(13) The members of the committee shall be paid such compensation as the council may provide.

Remuner-
ation

(14) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 78 of the *Municipal Act* applies with necessary modifications to such documents.

Filing of
documents,
etc.
R.S.O. 1980,
c. 302

(15) A majority of the committee constitutes a quorum, and the committee may adopt its own rules of procedure but before hearing an appeal under subsection (17) shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive such notice.

Quorum and
procedure

(16) When the owner or occupant upon whom an order has been served in accordance with this section is not satisfied with the terms or conditions of the order, he may appeal to the committee by sending notice of appeal by registered mail to the sec-

Appeal to
committee

retary of the committee within fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

Decision
on appeal

(17) Where an appeal has been taken, the committee shall hear the appeal and shall have all the powers and functions of the officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the committee, the general intent and purpose of the by-law and of the official plan or policy statement are maintained.

Appeal to
judge

(18) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (17) may appeal to a judge of the county or district court of the judicial district in which the property is located by so notifying the clerk of the corporation in writing and by applying for an appointment within fourteen days after the sending of a copy of the decision, and,

- (a) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
- (b) the appointment shall be served in the manner prescribed by the judge; and
- (c) the judge on such appeal has the same powers and functions as the committee.

Effect of
decisions

(19) The order, as deemed to have been confirmed under subsection (16), or as confirmed or modified by the committee under subsection (17) or, in the event of an appeal to the judge under subsection (18), as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.

Power of
corporation
to repair or
demolish

(20) If the owner or occupant of property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the corporation in addition to all other remedies,

- (a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and

- (b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the corporation under the provisions of this subsection.

(21) Following the inspection of a property, the officer may, or on the request of the owner shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of a by-law passed under subsection (3), and the council of a municipality may prescribe a fee payable for such a certificate where it is issued at the request of the owner.

Certificate of compliance

(22) An owner who fails to comply with an order that is final and binding under this section is guilty of an offence and on conviction is liable to a fine of not more than \$500 for each day that the contravention has continued.

Enforcement

(23) Despite any other provisions of this section, if upon inspection of a property the officer is satisfied there is nonconformity with the standards prescribed in the by-law to such extent as to pose an immediate danger to the health or safety of any person the officer may make an order containing particulars of the nonconformity and requiring remedial repairs or other work to be carried out forthwith to terminate the danger.

Emergency order

(24) After making an order under subsection (23), the officer may, either before or after the order is served, take or cause to be taken any measures he considers necessary to terminate the danger, and for this purpose the municipality has the right, through its servants and agents, to enter in and upon the property from time to time.

Emergency powers

(25) The officer, the municipality or anyone acting on behalf of the municipality is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the municipality in the reasonable exercise of its powers under subsection (24).

No compensation where reasonable exercise of powers

(26) Where the order was not served before measures were taken by the officer to terminate the danger, as mentioned in subsection (24), the officer shall forthwith after the measures have been taken, serve or send copies of the order, in accordance with subsections (7), (8) and (9), on or to the owner of the property and all persons mentioned in subsection (6) and each copy of the order shall have attached thereto a statement by the officer describing the measures taken by the municipality and providing details of the amount expended in taking the measures.

Service of order and statement

Separate
service of
statement

(27) Where the order was served before the measures were taken the officer shall forthwith after the measures have been taken serve or send a copy of the statement mentioned in subsection (26), in accordance with subsections (7), (8) and (9), on or to the owner of the property and all persons mentioned in subsection (6).

Application
to county
judge

(28) Forthwith after the requirements of subsection (26) or (27) have been complied with the officer shall apply to a judge of the county or district court of the judicial district in which the property is situate for an order confirming the order made under subsection (23), and,

- (a) the judge shall, in writing, appoint a day, time and place for the hearing of the application and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
- (b) the appointment shall be served in the manner prescribed by the judge; and
- (c) the judge in disposing of the application may confirm the order or may modify or quash it and shall make a determination as to whether the amount expended by the municipality in taking the measures to terminate the danger may be recovered by the municipality in whole, in part or not at all.

Disposition
by judge
final

(29) The disposition of the application under clause (28) (c) is final and binding.

Recovery of
expense

R.S.O. 1980,
c. 302

(30) Where a municipality demolishes or repairs property as mentioned in subsection (20) or takes measures to terminate a danger as mentioned in subsection (24) the municipality may recover the expense incurred in respect thereof by any or all of the methods provided for in section 325 of the *Municipal Act*, except that such amount, if any, as is to be borne by the municipality as a result of a determination under clause (28) (c) may not be recovered.

Grants or
loans for
repairs

32.—(1) When a by-law under section 31 is in force in a municipality, the council of the municipality may pass a by-law for providing for the making of grants or loans to the registered owners or assessed owners of lands in respect of which a notice has been sent under subsection 31 (6) to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the lands, on such terms and conditions as the council may prescribe.

(2) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

Loans
collected as
taxes, lien
on land

(3) A certificate signed by the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged.

Registration
of
certificate

33.—(1) In this section,

Inter-
pretation

- (a) “dwelling unit” means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;
- (b) “residential property” means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

(2) When a by-law under section 31 or a predecessor thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the local municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless he is the holder of a demolition permit issued by the council under this section.

Establishment
of demolition
control area
by by-law

Council
may issue
or refuse
to issue
permit

(3) Subject to subsection (6), where application is made to the council for a permit to demolish residential property, the council may issue the permit or refuse to issue the permit.

Appeal to
O.M.B.

(4) Where the council refuses to issue the permit or neglects to make a decision thereon within thirty days after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and either dismiss the same or direct that the demolition permit be issued, and the decision of the Board shall be final.

Notice of
appeal

(5) The person appealing to the Municipal Board under subsection (4) shall, in such manner and to such persons as the Board may direct, give notice of the appeal to the Board.

Application
for demolition
permit
where building
permit
issued

(6) Subject to subsection (7), the council shall, on application therefor, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.

Conditions of
demolition
permit

(7) A demolition permit under subsection (6) may be issued on the condition that the applicant for the permit construct and substantially complete the new building to be erected on the site of the residential property proposed to be demolished by not later than such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced, and on the condition that on failure to complete the new building within the time specified in the permit, the clerk of the municipality shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, such sum of money as the permit specifies, but not in any case to exceed the sum of \$20,000 for each dwelling unit contained in the residential property in respect of which the demolition permit is issued and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.

Registration
of certificate

(8) Where the clerk of the municipality adds a sum of money to the collector's roll under subsection (7), a certificate signed by the clerk setting out the sum added to the roll, together with a description of the land in respect of which the sum has been added to the roll, sufficient for registration, shall be registered in the proper land registry office against the land, and upon payment in full to the municipality of the sum added to the roll, a certificate signed by the clerk of the municipality showing such payment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the sum was added to the roll is discharged.

(9) Where an applicant for a demolition permit under subsection (6) is not satisfied as to the conditions on which the demolition permit is proposed to be issued, he may appeal to the Municipal Board for a variation of the conditions and, where an appeal is brought, the Board shall hear the appeal and may dismiss the same or may direct that the conditions upon which the permit shall be issued be varied in such manner as the Board considers appropriate, and the decision of the Board shall be final.

Appeal to
O.M.B.

(10) Where any person who has obtained a demolition permit under subsection (6) that is subject to conditions under subsection (7) considers that it is not possible to complete the new building within the time specified in the permit or where he is of the opinion that the construction of the new building has become not feasible on economic or other grounds, he may apply to the council of the municipality for relief from the conditions on which the permit was issued, by sending notice of application by registered mail to the clerk of the municipality not less than sixty days before the time specified in the permit for the completion of the new building and where the council under subsection (11) extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

Application
to council for
relief from
conditions of
demolition
permit

(11) Where an application is made under subsection (10), the council shall consider the application and may grant the same or may extend the time for completion of the new building for such period of time and on such terms and conditions as the council considers appropriate or the council may relieve the person applying from the requirement of constructing the new building.

Powers of
council on
application

(12) Any person who has made application to the council under subsection (10) may appeal from the decision of the council to the Municipal Board within twenty days of the mailing of the notice of the decision, or where the council refuses or neglects to make a decision thereon within thirty days after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and the Board on the appeal has the same powers as the council has under subsection (11) and the decision of the Board shall be final.

Appeal to
O.M.B.

(13) Every person who demolishes a residential property, or any portion thereof, in contravention of subsection (2) is guilty of an offence and on conviction is liable to a fine of not more than \$20,000 for each dwelling unit contained in the residential property, the whole or any portion of which residential prop-

Offence

erty has been demolished, or to imprisonment for a term of not more than six months, or to both.

Standards
for health
and safety
remain in
force

(14) The provisions of any general or special Act and any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situate within an area of demolition control.

Certain
proceedings
stayed

(15) Subject to subsection (14), an application to the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any by-law under section 31 or a predecessor thereof or under any special Act respecting maintenance or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection (4), until the Municipal Board has heard the appeal and issued its order thereon.

Application
of
R.S.O. 1980,
c. 51, s. 5

(16) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in section 5 of the *Building Code Act*.

PART V

LAND USE CONTROLS AND RELATED ADMINISTRATION

Zoning
by-laws

34.—(1) Zoning by-laws may be passed by the councils of local municipalities:

Restricting
use of land

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

Restricting
erecting,
locating or
using of
buildings

2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Marshy
lands,
etc.

3. For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy or unstable.

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy. Construction of buildings or structures
5. For regulating the minimum elevation of doors, windows or other openings in buildings or structures or in any class or classes of buildings or structures to be erected or located within the municipality or within any defined area or areas of the municipality. Minimum elevation of doors, etc.
6. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain loading or parking facilities on land that is not part of a highway. Loading or parking facilities

(2) The making, establishment or operation of a pit or quarry shall be deemed to be a use of land for the purposes of paragraph 1 of subsection (1). Pits and quarries

(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the density of development in the municipality or in the area or areas defined in the by-law. Minimum area and density provisions

(4) A trailer as defined in clause (a) of paragraph 95 of section 210 of the *Municipal Act* and a mobile home as defined in clause 45 (1) (a) of this Act shall be deemed to be a building or structure for the purposes of this section. Interpretation
R.S.O. 1980,
c. 302

(5) A by-law heretofore or hereafter passed under paragraph 1 or 2 of subsection (1) or a predecessor of such paragraph may prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to service the land, buildings or structures, as the case may be. Prohibition of use of land, etc., availability of municipal services

(6) A by-law passed under this section may provide for the issue of certificates of occupancy without which no change may be made in the type of use of any land covered by the by-law or of any building or structure on any such land, but no such certi- Certificates of occupancy

ificate shall be refused if the proposed use is not prohibited by the by-law.

Use of maps

(7) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law and the information shown on such maps shall form part of the by-law to the same extent as if included therein.

Acquisition
and
disposition
of non-
conforming
lands

(8) The council may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed under this section and any vacant land having a frontage or depth less than the minimum prescribed for the erection of a building or structure in the defined area in which such land is situate, and the council may dispose of any of such land, building or structure or may exchange any of such land for other land within the municipality.

Excepted
lands and
buildings

(9) No by-law passed under this section applies,

(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

(b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit has been issued under section 5 of the *Building Code Act*, prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under section 6 of the *Building Code Act*.

R.S.O. 1980,
c. 51

By-law
may be
amended

(10) Despite any other provision of this section, any by-law passed under this section or a predecessor of this section may be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.

Appeal to
O.M.B.

(11) Where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council refuses or neglects to make a decision thereon within thirty days after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and dismiss the

same or amend the by-law in such manner as the Board may determine or direct that the by-law be amended in accordance with its order.

(12) Before passing a by-law under this section, the council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in the manner and to the persons prescribed, for the purpose of informing the public in respect of the proposed by-law.

Information
and public
meeting

(13) The meeting mentioned in subsection (12) shall be held not sooner than thirty days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed by-law.

Time for
meeting,
etc.

(14) Where there is an official plan in effect in the municipality that contains provisions describing the measures for informing and securing the views of the public in respect of proposed zoning by-laws the provisions of subsections (12) and (13) do not apply to such proposed by-laws if the measures are complied with.

Alternative
procedure

(15) The council shall provide to such boards, commissions, authorities or other agencies as the council considers may have an interest in the proposed by-law, adequate information, and before passing the by-law the council shall afford them an opportunity to submit comments in respect of it up to such time as is specified by the council.

Comments
by agencies,
etc.

(16) Where a change is made in a proposed by-law after the holding of the meeting mentioned in subsection (12), the council shall determine whether any further notice is to be given in respect of the proposed by-law and the determination of the council as to the giving of further notice is final and not subject to review in any court irrespective of the extent of the change made in the proposed by-law.

Further
notice

(17) Where the council passes a by-law under this section, except a by-law passed pursuant to an order of the Municipal Board made under subsection (11), the clerk of the municipality shall, not later than fifteen days after the day the by-law was passed, give written notice of the passing of the by-law in the manner and in the form and to the persons and agencies prescribed.

Notice of
passing of
by-law

(18) Any person including the Minister or agency may, within thirty-five days from the date of the passing of the by-

Appeal to
O.M.B.

law, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

When by-law
deemed to
have come
into force

(19) When no notice of appeal is filed under subsection (18), the by-law shall be deemed to have come into force on the day it was passed except that where the by-law is passed under circumstances mentioned in subsection 24 (2) the by-law shall not be deemed to have come into force on the day it was passed until the Minister has approved the amendment to the official plan as mentioned in subsection 24 (2).

Affidavit re
no appeal,
etc.

(20) An affidavit or declaration of the clerk of the municipality that notice was given as required by subsection (17) or that no notice of appeal was filed under subsection (18) within the time allowed for appeal shall be conclusive evidence of the facts stated therein.

Forwarding
of
record, etc.,
to
O.M.B.

(21) The clerk of the municipality, upon receipt of a notice of appeal under subsection (18), shall compile a record which shall include,

- (a) a copy of the by-law certified by him;
- (b) an affidavit or declaration duly sworn certifying that the requirements for the giving of notice as mentioned in subsection (17) have been complied with; and
- (c) the original or a true copy of all written submissions and material in support of the submissions received in respect of the by-law prior to the passing thereof,

and the clerk shall forward the notice of appeal and the record to the secretary of the Municipal Board and shall provide such other information or material as the Board may require in respect of the appeal.

Parties

(22) The parties to an appeal are the appellant, the municipality and any person or agency added as a party by the Municipal Board.

Adding of
parties

(23) The Municipal Board may add as a party to the appeal any person including the Minister, or agency who applies to the Board to be added as a party.

Representations by
person not
party

(24) Despite the fact that a person is not a party to the appeal, the Municipal Board may permit the person to make representations at the hearing.

(25) On an appeal to the Municipal Board, the Board shall hold a hearing of which notice shall be given to the parties to the appeal, and to such other persons as the Board considers appropriate.

Hearing

(26) Despite subsection (25), the Municipal Board may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing but before so dismissing the appeal shall notify the appellant and afford him an opportunity to make representations as to the merits of the appeal.

Dismissal of
appeal
without
hearing

(27) The Municipal Board may,

Powers of
O.M.B.

(a) dismiss the appeal; or

(b) allow the appeal in whole or in part and repeal the by-law in whole or in part or amend the by-law in such manner as the Board may determine or direct the council of the municipality to repeal the by-law in whole or in part or to amend the by-law in accordance with the Board's order.

(28) Where an appeal has been filed under subsection (18), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the by-law, may so advise the Municipal Board in writing not later than thirty days before the day fixed by the Board for the hearing of the appeal and the Minister shall identify the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected.

Where
provincial
interest
adversely
affected

(29) Where the Municipal Board has received notice from the Minister under subsection (28) and has made a decision on the by-law the Board shall not make an order under subsection (27) in respect of the part or parts of the by-law identified in the notice.

Procedure

(30) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board in respect of the part or parts of the by-law identified in the notice and in doing so may repeal the by-law in whole or in part or amend the by-law in such manner as the Lieutenant Governor in Council may determine.

Power of
L.G. in C.

(31) Where one or more appeals have been filed under subsection (18), the by-law does not come into force until all of such appeals have been finally disposed of whereupon the by-law, except for such parts thereof as are repealed or amended in accordance with the direction of the Municipal Board or as

When by-law
deemed to
have come
into force

are repealed or amended by the Municipal Board or by the Lieutenant Governor in Council as mentioned in subsections (27) and (30), shall be deemed to have come into force on the day it was passed.

Holding
provision
by-law

35.—(1) The council of a local municipality may, in a by-law passed under section 34, by the use of the holding symbol “H” (or “h”) in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law.

Condition

(2) A by-law shall not contain the provisions mentioned in subsection (1) unless the municipality has an official plan that contains provisions relating to the use of the holding symbol mentioned in subsection (1).

Appeal to
O.M.B.

(3) Where an application to the council for an amendment to the by-law to remove the holding symbol is refused or the council refuses or neglects to make a decision thereon within thirty days after receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and dismiss the same or amend the by-law to remove the holding symbol or direct that the by-law be amended in accordance with its order.

Application
of
s. 34 (11-26)

(4) Subsections 34 (11) to (26) do not apply to an amending by-law passed by the council to remove the holding symbol, but the council shall, in the manner and to the persons and agencies and containing the information prescribed, give notice of its intention to pass the amending by-law.

Increased
density, etc.,
provision
by-law

36.—(1) The council of a local municipality may, in a by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law.

Condition

(2) A by-law may not be passed containing the provisions mentioned in subsection (1) unless the municipality has an official plan that contains provisions relating to the authorization of increases in height and density of development.

Agreements

(3) Where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters.

(4) Any agreement entered into under subsection (3) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Registration
of agreement

R.S.O. 1980,
cc. 445, 230

37.—(1) Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law.

Interim
control
by-law

(2) The council of the municipality may amend an interim control by-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of the passing of the interim control by-law.

Extension of
period by-law
in effect

(3) No notice or hearing is required prior to the passing of a by-law under subsection (1) or (2) but the clerk of the municipality shall, in the manner and to the persons and agencies and containing the information prescribed, give notice of a by-law passed under subsection (1) or (2) within thirty days of the passing thereof.

Notice of
passing of
by-law

(4) Any person or agency to whom notice of a by-law was given under subsection (3) may, within sixty days from the date of the passing of the by-law, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

Appeal to
O.M.B.

(5) Where a notice of appeal is filed under subsection (4), the provisions of subsections 34 (21) to (30) apply with necessary modifications.

Application
of
s. 34 (21-30)

(6) Where the period of time during which an interim control by-law is in effect has expired and the council has not passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, or where an interim control by-law is repealed or the extent of the area covered thereby is reduced, the provisions of any by-law passed under section 34 that applied immediately prior to the coming into force of the

When prior
zoning by-
law
again has
effect

interim control by-law again come into force and have effect in respect of all lands, buildings or structures formerly subject to the interim control by-law.

Prohibition

(7) Where an interim control by-law ceases to be in effect, the council of the municipality may not for a period of three years pass a further interim control by-law that applies to any lands to which the original interim control by-law applied.

Application
of
s. 34 (9)

(8) The provisions of subsection 34 (9) apply with necessary modifications to a by-law passed under subsection (1) or (2).

Temporary
use
provisions

38.—(1) The council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law.

Area and
time in
effect

(2) A by-law authorizing a temporary use under subsection (1) shall define the area to which it applies and prescribe the period of time for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the by-law.

Extension

(3) Despite subsection (2), the council may by by-law grant further periods of not more than three years each during which the temporary use is authorized.

Non-
application of
s. 34 (9) (a)

(4) Upon the expiry of the period or periods of time mentioned in subsections (2) and (3), clause 34 (9) (a) does not apply so as to permit the continued use of the land, buildings or structures for the purpose temporarily authorized.

Agreement
exempting
owner from
requirement
to provide
parking

39.—(1) Where an owner or occupant of a building is required under a by-law of a local municipality to provide and maintain parking facilities on land that is not part of a highway, the council of the municipality and such owner or occupant may enter into an agreement exempting the owner or occupant, to the extent specified in the agreement, from the requirement of providing or maintaining the parking facilities.

Payment of
money

(2) An agreement entered into under subsection (1) shall provide for the making of one or more payments of money to the municipality as consideration for the granting of the exemption and shall set forth the basis upon which such payment is calculated.

Special
account

(3) All moneys received by a municipality under an agreement entered into under this section shall be paid into a special account, and the moneys in such special account shall be applied for the same purposes as a reserve fund established under paragraph 55 of section 208 of the *Municipal Act* may be applied, and the moneys in such special account may be

invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor of the municipality in his annual report shall report on the activities and position of the account.

R.S.O. 1980,
c. 512

(4) An agreement entered into under this section may be registered in the proper land registry office against the land to which it applies, and when so registered, any moneys payable to the municipality under the agreement that have become due for payment shall be deemed to be taxes due upon the land under section 369 of the *Municipal Act* and may be collected in the same manner as municipal taxes.

Registration
of
agreement

R.S.O. 1980,
c. 302

(5) When all moneys payable to the municipality under an agreement registered under subsection (4) have been paid, or such agreement has been terminated, the clerk of the municipality shall, at the request of the owner of the land, provide a certificate in a form registerable in the proper land registry office, certifying that the moneys have been paid or that the agreement has been terminated.

Certificate

40.—(1) In this section, “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in clause (a) of paragraph 95 of section 210 of the *Municipal Act* or of sites for the location of three or more mobile homes as defined in clause 45 (1) (a) of this Act.

Interpre-
tation

(2) Where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situate may, by by-law designate the whole or any part of such area as a site plan control area.

Establishment
of site
plan control
area

(3) A by-law passed under subsection (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34.

Designation
of site
plan control
area

(4) No person shall undertake any development in an area designated under subsection (2) unless the council of the municipality or, where a referral has been made under subsection (12), the Municipal Board has approved one or both, as the council may determine, of the following:

Approval
of plans or
drawings

1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (7) (a).
2. Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display,
 - (a) the massing and conceptual design of the proposed building;
 - (b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and
 - (c) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,

but which exclude the layout of interior areas, other than the interior walkways, stairs and escalators referred to in clause (c), the colour, texture and type of materials, window detail, construction details, architectural detail and interior design.

Drawings for
residential
buildings

(5) Despite the exception provided in paragraph 2 of subsection (4), the council of the municipality may require the drawings mentioned therein for a building to be used for residential purposes containing less than twenty-five dwelling units if the proposed building is to be located in an area specifically designated in the official plan mentioned in subsection (2) as an area wherein such drawings may be required.

Proviso

(6) Nothing in this section shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land.

Conditions
to approval
of plans

(7) As a condition to the approval of the plans and drawings referred to in subsection (4), a municipality may require the owner of the land to,

- (a) provide to the satisfaction of and at no expense to the municipality any or all of the following:

1. Subject to the provisions of subsections (8) and (9), widenings of highways that abut on the land.
 2. Subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbings and traffic direction signs. R.S.O. 1980,
c. 421
 3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.
 4. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.
 5. Facilities for the lighting, including floodlighting, of the land or of any building structures thereon.
 6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.
 7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
 8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.
 9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
- (b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause (a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

- (c) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) and the maintenance thereof as mentioned in clause (b) or with the provision and approval of the plans and drawings referred to in subsection (4).

Widenings,
etc., of
county,
regional,
etc.,
highways

(8) Where an area designated under subsection (2) is within a county or a regional, metropolitan or district municipality, plans and drawings in respect of any development proposed to be undertaken in the area shall not be approved until the county or regional, metropolitan or district municipality has been advised of the proposed development and afforded a reasonable opportunity to require the owner of the land to,

- (a) provide to the satisfaction of and at no expense to the county or regional, metropolitan or district municipality any or all of the following:

1. Subject to the provisions of subsection (9), widenings of highways that are under the jurisdiction of the county or regional, metropolitan or district municipality and that abut on the land.

R.S.O. 1980,
c. 421

2. Subject to the *Public Transportation and Highway Improvement Act*, where the land abuts a highway under the jurisdiction of the county or regional, metropolitan or district municipality, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs.

3. Where the land abuts a highway under the jurisdiction of the county or regional, metropolitan or district municipality, offstreet vehicular loading and parking facilities, either covered or uncovered, access driveways including driveways for emergency vehicles, and the surfacing of such areas and driveways;

- (b) enter into one or more agreements with the county or regional, metropolitan or district municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) and the maintenance thereof at the sole risk and expense of the owner, including the removal of snow from access ramps and driveways and parking and loading areas.

(9) An owner may not be required to provide a highway widening under paragraph 1 of clause (7) (a) or under paragraph 1 of clause (8) (a) unless the highway to be widened is shown on or described in an official plan as a highway to be widened and the extent of the proposed widening is likewise shown or described.

Widening
must be
described
in official
plan

(10) Any agreement entered into under clause (7) (c) or under clause (8) (b) may be registered against the land to which it applies and the municipality or the county or regional, metropolitan or district municipality, as the case may be, is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Registration
of
agreements

R.S.O. 1980,
cc. 445, 230

(11) Section 325 of the *Municipal Act* applies to any requirements made under clauses (7) (a) and (b) and to any requirements made under an agreement entered into under clause (7) (c).

Application
of
R.S.O. 1980,
c. 302, s. 325

(12) Where the municipality fails to approve the plans or drawings referred to in subsection (4) within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied with any of the requirements made by the municipality under subsection (7) or by the county or regional, metropolitan or district municipality under subsection (8) or with any part thereof, including the terms of any agreement required, the owner of the land may require the plans or drawings or the unsatisfactory requirements or parts thereof or the agreement, as the case may be, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality or to the clerk of the county or regional, metropolitan or district municipality in the case of a requirement made by a county or regional, metropolitan or district municipality, and the Board shall then hear and determine the matter in issue and settle and determine the details of the plans or drawings and approve the same and settle and determine the requirements, including the provisions of any agreement required, and the decision of the Board is final.

Appeal to
O.M.B.

(13) Where the council of a municipality has designated a site plan control area under this section, the council may, by by-law,

Classes of
development,
delegation

- (a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4) or (5); and

- (b) delegate to either a committee of the council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause (a).

Proviso

(14) Section 35a of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as it existed on the 21st day of June, 1979, shall be deemed to continue in force in respect of any by-law passed under that section on or before that day.

Certain
agreements
declared
valid and
binding
R.S.O. 1970,
c. 349

(15) Every agreement entered into by a municipality after the 16th day of December, 1973 and before the 22nd day of June, 1979, to the extent that the agreement deals with facilities and matters mentioned in subsection 35a (2) of *The Planning Act* as it existed on the 21st day of June, 1979, is hereby declared to be valid and binding.

Conveyance
of land
for park
purposes

41.—(1) As a condition of development or redevelopment of land, the council of a local municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land be conveyed to the municipality for park or other public recreational purposes.

Interpre-
tation

(2) For the purposes of subsection (3), "dwelling unit" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals.

Alternative
requirement

(3) Subject to subsection (4), as an alternative to requiring the conveyance provided for in subsection (1), in the case of land proposed for development or redevelopment for residential purposes, the by-law may require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified in the by-law.

Official
plan
requirement

(4) The alternative requirement authorized by subsection (3) may not be provided for in a by-law passed under this section unless the municipality has an official plan that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement.

(5) Land conveyed to a municipality under this section shall be used for park or other public recreational purposes, but may be sold at any time.

Use and
sale of land

(6) The council of a municipality may require the payment of money to the value of the land otherwise required to be conveyed under this section in lieu of such conveyance and for the purpose of determining the amount of the payment the value of the land shall be determined as of the day before the day of the issuance of the building permit in respect of the development or, where more than one building permit is required for the development, as of the day before the day of the issuance of the first permit, and where the owner and the municipality are unable to agree on the value, either party may apply to the Land Compensation Board to have the value determined and the Board shall, in accordance as nearly as may be with the provisions of the *Expropriations Act*, determine the value of the land.

Cash
payment
in lieu of
conveyance

R.S.O. 1980,
c. 148

(7) The provisions of subsection 50 (12) apply with necessary modifications to all moneys received under subsection (5) or (6).

Application
of
s. 50 (12)

(8) Where land has been conveyed to a municipality for park or other public purposes or a payment of money in lieu of such conveyance has been received by the municipality pursuant to a condition imposed under this section or under section 50 or section 52 or under a predecessor of any of such sections, the conveyance or payment, as the case may be, shall be included in determining the amount of land or payment of money in lieu thereof that may subsequently be required under this section on the development, further development or redevelopment of the lands or part thereof in respect of which the original conveyance or payment was received.

Where
account
taken
of previous
conveyances
or payments

(9) In the event of a dispute between a municipality and an owner of land as to the amount of land or payment of money in lieu thereof that may subsequently be required, as mentioned in subsection (8), either party may apply to the Municipal Board and the Board shall make a final determination in the matter.

Application
to O.M.B.

42.—(1) Subsections 34 (12) to (31) do not apply to a by-law that amends a by-law only to express a word, term or measurement in the by-law in a unit of measurement set out in Schedule I of the *Weights and Measures Act* (Canada) in accordance with the definitions set out in Schedule II of that Act and that,

Application
of s. 34
(12-31)

R.S.C. 1970,
c. W-8

- (a) does not round any measurement so expressed further than to the next higher or lower multiple of 0.5 metres or 0.5 square metres, as the case may be; or
- (b) does not vary by more than 5 per cent any measurement so expressed.

Effect of amendment that conforms with subs. (1)

(2) Any land, building or structure that otherwise conforms with a by-law passed under section 34 or a predecessor thereof or an order made by the Minister under section 46 or a predecessor thereof does not cease to conform with the by-law or order by reason only of an amendment to the by-law or order that conforms with subsection (1).

Establishment of committee of adjustment

43.—(1) If a municipality has passed a by-law under section 34 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable.

Copy of by-law to Minister

(2) Where a by-law is passed under subsection (1), a certified copy of the by-law shall be sent to the Minister by registered mail by the clerk of the municipality within thirty days of the passing thereof.

Term of office

(3) The members of the committee who are not members of a municipal council shall hold office for the term of the council that appointed them and the members of the committee who are members of a municipal council shall be appointed annually.

Idem

(4) Members of the committee shall hold office until their successors are appointed, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term.

Quorum

(5) Where a committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum.

Vacancy not to impair powers

(6) Subject to subsection (5), a vacancy in the membership or the absence or inability of a member to act does not impair the powers of the committee or of the remaining members.

Chairman

(7) The members of the committee shall elect one of themselves as chairman, and, when the chairman is absent through illness or otherwise, the committee may appoint another member to act as acting chairman.

(8) The committee shall appoint a secretary-treasurer, who may be a member of the committee, and may engage such employees and consultants as is considered expedient, within the limits of the moneys appropriated for the purpose.

Secretary-treasurer, employees

(9) The members of the committee shall be paid such compensation as the council may provide.

Remuneration

(10) The secretary-treasurer shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 78 of the *Municipal Act* applies with necessary modifications to such documents.

Filing of documents, etc.

R.S.O. 1980, c. 302

(11) In addition to complying with the requirements of this Act, the committee shall comply with such rules of procedure as are prescribed.

Rules of procedure

44.—(1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 37, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

Powers of committee; general

(2) In addition to its powers under subsection (1), the committee, upon any such application,

special

(a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

(i) the enlargement or extension of the building or structure, provided that the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or

(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee,

is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, provided that the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

- (b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.

Power of
committee to
grant minor
variances

(3) A council that has constituted a committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provisions of any by-law of the municipality that implements an official plan, or from such by-laws of the municipality as are specified and that implement an official plan, and when a committee of adjustment is so empowered the provisions of subsection (1) apply with necessary modifications.

Time for
hearing

(4) The hearing on any application shall be held within thirty days after the application is received by the secretary-treasurer.

Notice of
hearing

(5) The committee, before hearing an application, shall in the manner and to the persons and agencies and containing the information prescribed, give notice of the application.

Hearing

(6) The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision.

Oaths

(7) The chairman, or in his absence the acting chairman, may administer oaths.

Decision

(8) No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.

Conditions
in decision

(9) Any authority or permission granted by the committee under subsections (1), (2) and (3) may be for such time and

subject to such terms and conditions as the committee considers advisable and as are set out in the decision.

(10) The secretary-treasurer shall not later than ten days from the making of the decision send by mail one copy of the decision, certified by him, Notice of decision

- (a) to the Minister, if the Minister has notified the committee by registered mail that he wishes to receive a copy of all decisions of the committee;
- (b) to the applicant; and
- (c) to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision,

together with a notice of the last day for appealing to the Municipal Board.

(11) Where the secretary-treasurer is required to send a copy of the decision to the Minister under subsection (10), he shall also send to the Minister such other information and material as may be prescribed. Additional material

(12) The applicant, the Minister or any other person who has an interest in the matter may within thirty days of the making of the decision appeal to the Municipal Board against the decision of the committee by serving personally on or sending by registered mail to the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee prescribed by the Municipal Board under the *Ontario Municipal Board Act* as payable on an appeal from a committee of adjustment to the Board. Appeal to O.M.B.

R.S.O. 1980,
c. 347

(13) The secretary-treasurer of a committee, upon receipt of a notice of appeal served or sent to him under subsection (12) shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection (12) to the Municipal Board by registered mail together with all papers and documents filed with the committee of adjustment relating to the matter appealed from and such other documents and papers as may be required by the Board. Idem

(14) If within such thirty days no notice of appeal is given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality. Where no appeal

Where
appeals
withdrawn

(15) Where all appeals to the Municipal Board are withdrawn by the persons who gave notice of appeal, the decision of the committee is final and binding and the secretary of the Board shall notify the secretary-treasurer of the committee who in turn shall notify the applicant and file a certified copy of the decision with the clerk of the municipality.

Hearing

(16) On an appeal to the Municipal Board, the Board shall, except as provided in subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons and in such manner as the Board may determine.

Dismissal
of appeal
by O.M.B.

(17) The Municipal Board may, where it is of the opinion that the objection to the decision set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing, but before so dismissing the appeal, shall notify the appellant and afford him an opportunity to make representations as to the merits of the appeal.

Powers of
O.M.B.

(18) The Municipal Board may dismiss the appeal and may make any decision that the committee could have made on the original application.

Notice of
decision

(19) When the Municipal Board makes an order on an appeal, the secretary of the Board shall send a copy thereof to the applicant, the appellant and the secretary-treasurer of the committee.

Idem

(20) The secretary-treasurer shall file a copy of the order of the Municipal Board with the clerk of the municipality.

Interpre-
tation

45.—(1) In this section,

- (a) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (b) "parcel of land" means a lot or block within a registered plan of subdivision or any land that may be legally conveyed under the exemption provided in clause 49 (3) (b) or clause 49 (5) (a).

One mobile
home per
parcel of land
R.S.O. 1980,
c. 413

(2) Unless otherwise authorized by a by-law in force under section 34 or an order of the Minister made under clause 46 (1) (a), or a permit issued under section 13 of the *Public Lands Act*, no person shall erect or locate or use or cause to be erected, located or used, a mobile home except on a parcel of land

as defined in clause (1) (b) of this section, and in no case except as otherwise so authorized shall any person erect, locate or use or cause to be erected, located or used more than one mobile home on any such parcel of land.

(3) This section does not apply to prevent the continued use in the same location of any mobile home that, Saving

- (a) was erected or located and in use prior to the 1st day of June, 1977; or
- (b) was erected or located in accordance with a building permit issued prior to the 1st day of June, 1977.

46.—(1) The Minister may by order,

Power of
Minister re
zoning and
subdivision
control

- (a) in respect of any land in Ontario, exercise any of the powers conferred upon councils by section 34, but subsections (12) to (31) of that section do not apply to the exercise of such powers; and
- (b) in respect of any land in Ontario, exercise the powers conferred upon councils by subsection 49 (4).

(2) Where an order has been made under clause (1) (a), the Minister, in respect of the lands affected by the order, has all the powers in respect of such order as a committee of adjustment has under subsections 44 (1) and (2) in respect of a by-law passed under section 34, but the provisions of subsections 44 (4) to (8) and (10) to (20) do not apply to the exercise by the Minister of such powers.

Power of
Minister to
allow minor
variances

(3) In the event of a conflict between an order made under clause (1) (a) and a by-law that is in effect under section 34 or 37, or a predecessor thereof, the order prevails to the extent of such conflict, but in all other respects the by-law remains in full force and effect.

Order
prevails
over by-law
in event
of conflict

(4) Where the Minister so provides in the order, an order made under clause (1) (a) in respect of land situate in a municipality the council of which has the powers conferred by section 34 shall be deemed for all purposes except the purposes of section 24 to be a by-law passed by the council of the municipality in which the land is situate and to be in force in the municipality.

Where order
deemed
by-law of
municipality

(5) No notice or hearing is required prior to the making of an order under subsection (1) but the Minister shall give notice of any such order within thirty days of the making thereof in

Notice

such manner as he considers proper and shall set out in the notice the provisions of subsections (8), (9) and (10).

Idem

(6) The Minister shall cause a duplicate or certified copy of an order made under clause (1) (a),

(a) where the land affected is situate in a local municipality, to be lodged in the office of the clerk of the municipality, or where the land affected is situate in two or more local municipalities, in the office of the clerk of each of such municipalities and the provisions of subsection 78 (2) of the *Municipal Act* apply with necessary modifications; and

R.S.O. 1980,
c. 302

(b) where the land affected is situate in territory without municipal organization, to be lodged in the proper land registry office, where it shall be made available to the public as a production.

Registration

(7) The Minister shall cause a certified copy or duplicate of an order made under clause (1) (b) to be registered in the proper land registry office.

Revocation
or
amendment

(8) The Minister may, on his own initiative or at the request of any person, by order, amend or revoke in whole or in part any order made under subsection (1).

Notice

(9) Except as provided in subsection (10), the Minister before amending or revoking in whole or in part an order made under subsection (1) shall give notice or cause to be given notice thereof in such manner as he considers proper and shall allow such period of time as he considers appropriate for the submission of representations in respect thereof.

Hearing
by O.M.B.

(10) Where an application is made to the Minister to amend or revoke in whole or in part any order made under subsection (1), the Minister may, and on the request of any person shall, request the Municipal Board to hold a hearing on the application and thereupon the Board shall hold a hearing as to whether the order should be amended or revoked in whole or in part.

Refusal of
request by
Minister

(11) Despite subsection (10), where the Minister is of the opinion that a request of any person made under subsection (10) is not made in good faith or is frivolous or vexatious or is made only for the purpose of delay, he may refuse the request.

Notice of
hearing

(12) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (10), notice of the hearing shall be given in such manner and to such persons

as the Board may direct, and the Board shall hear any submissions that any person may desire to bring to the attention of the Board.

(13) The Municipal Board after the conclusion of the hearing shall make a decision to either amend or revoke the order in whole or in part or refuse to amend or revoke the order in whole or in part and the Minister shall, except as provided in subsection (16), give effect to the decision of the Board.

Decision of
O.M.B.

(14) A copy of the decision of the Municipal Board shall be sent to each person who appeared at the hearing and made representation and to any person who in writing requests a copy of the decision.

Notification
of decision

(15) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (10), if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the requested revocation or amendment, he may so advise the Municipal Board in writing not later than thirty days before the day fixed by the Board for the hearing of the application.

Where
provincial
interest
adversely
affected

(16) Where the Municipal Board has received notice from the Minister under subsection (15) and has made a decision on the requested revocation or amendment the Minister shall not give effect to the decision under subsection (13) unless the Lieutenant Governor in Council has confirmed the decision.

Decision
where
provincial
interest

(17) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board where notice of a matter of provincial interest was given under subsection (15) and in doing so may direct the Minister to amend or revoke the order in whole or in part.

Disposition
by
L.G. in C.

(18) An order of the Minister made under clause (1) (b) has the same effect as a by-law passed under subsection 49 (4).

Effect of
land use
order

47. Despite the provisions of any other general or special Act, a licence, permit, approval or permission shall not be issued or granted nor any utility or service provided by a public utilities commission or other public or Crown agency in respect of any land, building or structure where the proposed use of the land or the erection or proposed use of the building or structure would be in contravention of section 45 or of an order made under section 46.

Where
licence,
etc., not
to issue

48.—(1) In this section, “officer” means an officer who has been assigned the responsibility of enforcing section 45,

Interpre-
tation

orders of the Minister made under clause 46 (1)(a) or zoning by-laws passed under section 34.

Entry and inspection

(2) Subject to subsection (3), where an officer believes on reasonable grounds that section 45, an order of the Minister made under clause 46 (1)(a) or a by-law passed under section 34 or 37 is being contravened, the officer or any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he believes the contravention is occurring.

Where warrant under R.S.O. 1980, c. 400, s. 142, required

(3) Except under the authority of a search warrant issued under section 142 of the *Provincial Offences Act*, an officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

PART VI

SUBDIVISION OF LAND

Interpretation

49.—(1) In this section and in section 52 “consent” means,

- (a) where the land is situate within a regional municipality or is situate within The Municipality of Metropolitan Toronto, The District Municipality of Muskoka or the County of Oxford, a consent given by the regional council, the Metropolitan Council, the District Council or the County Council, as the case may be;
- (b) where the land is situate within a town, village or township that forms part of a county for municipal purposes, a consent given by the council of the county;
- (c) where the land is situate within a local municipality that is within a county, but that does not form part of the county for municipal purposes other than land situate within the Township of Pelee, in the County of Essex, a consent given by the council of the local municipality;
- (d) where the land is situate within a city that is within a territorial district, other than a city within a regional

or district municipality, a consent given by the council of the city; or

- (e) where the land is situate in a territorial district but is not within a regional or district municipality or is not within a city, or where land is situate in the Township of Pelee, in the County of Essex, a consent given by the Minister,

and a reference herein and in section 52 to the Minister or to a council, as the case may be, includes a delegate thereof as provided for in sections 4, 5 and 53.

(2) For the purposes of this section, land shall be deemed and shall always have been deemed not to abut land that is being conveyed or otherwise dealt with if it abuts such land on a horizontal plane only. Proviso

(3) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless, Subdivision control

- (a) the land is described in accordance with and is within a registered plan of subdivision;
- (b) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, any land abutting the land that is being conveyed or otherwise dealt with other than land that is the whole of one or more lots or blocks within one or more registered plans of subdivision;
- (c) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada, Her Majesty in right of Ontario, Ontario Hydro or by any municipality;
- (d) the land or any use of or right therein is being acquired for the purpose of a transmission line as defined in the *Ontario Energy Board Act* and in respect of which the person acquiring the land or any

use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose;

- (e) the land or any use of or right therein is being acquired for the purposes of flood control, erosion control, bank stabilization, shoreline management works or the preservation of environmentally sensitive lands under a project approved by the Minister of Natural Resources under section 24 of the *Conservation Authorities Act* and in respect of which an officer of the conservation authority acquiring the land or any use of or right therein has made a declaration that it is being acquired for any of such purposes, which shall be conclusive evidence that it is being acquired for such purpose; or
- (f) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land.

R.S.O. 1980,
c. 85

Designation
of plans of
subdivision
not deemed
registered

(4) The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3).

Part-lot
control

(5) Where land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey a part of any lot or block of the land by way of a deed, or transfer, or grant, assign or exercise a power of appointment in respect of a part of any lot or block of the land, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless,

- (a) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, any land abutting the land that is being conveyed or otherwise dealt with other than

land that is the whole of one or more lots or blocks within one or more registered plans of subdivision;

- (b) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada, Her Majesty in right of Ontario, Ontario Hydro or by any municipality;

- (c) the land or any use of or right therein is being acquired for the purpose of a transmission line or utility line, both as defined in the *Ontario Energy Board Act*, and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose;

R.S.O. 1980,
c. 332

- (d) the land or any use of or right therein is being acquired for the purposes of flood control, erosion control, bank stabilization, shoreline management works or the preservation of environmentally sensitive lands under a project approved by the Minister of Natural Resources under section 24 of the *Conservation Authorities Act* and in respect of which an officer of the conservation authority acquiring the land or any use of or right therein has made a declaration that it is being acquired for any of such purposes, which shall be conclusive evidence that it is being acquired for such purpose;

R.S.O. 1980,
c. 85

- (e) the land that is being conveyed, or otherwise dealt with is the remaining part of a lot or block, the other part of which was acquired by a body that has vested in it the right to acquire land by expropriation; or
- (f) a consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land.

(6) Despite subsections (3) and (5), where land is the remaining part of a parcel of land, the other part or parts of which parcel have been the subject of a consent given under clause (3) (f) or (5) (f), the whole of the remaining part may be conveyed or otherwise dealt with before the other part or parts are conveyed or otherwise dealt with, provided that the remaining part is conveyed or otherwise dealt with before the consent mentioned above lapses under subsection 52 (22).

Conveyance
of remaining
part

Designation
of lands not
subject to
part-lot
control

(7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part or parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, but the by-law, without requiring the approval of the Minister, may be repealed, or may be amended to delete part of the lands described therein, and when the requirements of subsection (24) have been complied with, subsection (5) thereupon applies to the lands affected by the repeal or amendment.

Exception

(8) Nothing in subsections (3) and (5) prohibits, and subsections (3) and (5) shall be deemed never to have prohibited, the giving back of a mortgage or charge by a purchaser of land to the vendor of the land as part or all of the consideration for the conveyance of the land, provided that the mortgage or charge applies to all of the land described in the conveyance.

Part of
building or
structure

(9) Nothing in subsections (3) and (5) prohibits the entering into of an agreement that has the effect of granting the use of or right in a part of a building or structure for any period of years.

Agreement
under
R.S.O. 1980,
c. 126, s. 2

(10) This section does not apply to an agreement entered into under section 2 of the *Drainage Act*.

Application
to ARDA

(11) This section does not apply so as to prevent the Agricultural Rehabilitation and Development Directorate of Ontario from conveying or leasing land where the land that is being conveyed or leased comprises all of the land that was acquired by the Directorate under one registered deed or transfer.

Exception to
application of
subss. (3, 5)

(12) Where a parcel of land is conveyed by way of a deed or transfer with a consent given under section 52, subsections (3) and (5) of this section do not apply to a subsequent conveyance of, or other transaction involving, the identical parcel of land unless the council or the Minister, as the case may be, in giving the consent, stipulates either that subsection (3) or subsection (5) shall apply to any such subsequent conveyance or transaction.

Reference to
stipulation

(13) Where the council or the Minister stipulates in accordance with subsection (12), the certificate provided for under subsection 52 (21) shall contain a reference to the stipulation, and if not so contained the consent shall be conclusively deemed to have been given without the stipulation.

(14) Where land is within a registered plan of subdivision or within a registered description under the *Condominium Act* or where land is conveyed with a consent given under section 52 or a predecessor thereof, any contravention of this section or a predecessor thereof or of a by-law passed under a predecessor of this section or of an order made under clause 27 (1) (b), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, that occurred prior to the registration of the plan of subdivision or description or prior to the conveyance, as the case may be, does not and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in the land, but this subsection does not affect the rights acquired by any person from a judgment or order of any court given or made on or before the 15th day of December, 1978.

Effect of
contra-
vention of
s. 49, etc.,
before plan
registered,
etc.
R.S.O. 1980,
c. 84

(15) Where a person conveys land or grants, assigns or exercises a power of appointment in respect of land, or mortgages or charges land, or enters into an agreement of sale and purchase of land, or enters into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more by way of simultaneous conveyances of abutting lands or by way of other simultaneous dealings with abutting lands, the person so conveying or otherwise dealing with the lands shall be deemed for the purposes of subsections (3) and (5) to retain, as the case may be, the fee or the equity of redemption in, or the power or right to grant, assign or exercise a power of appointment in respect of, land abutting the land that is being conveyed or otherwise dealt with but this subsection does not apply to simultaneous conveyances or other simultaneous dealings involving the same parties acting in their same respective capacities.

Simultaneous
conveyances,
etc., of
abutting
lands

(16) Where a person gives a partial discharge of a mortgage on land or gives a partial cessation of a charge on land, the person giving the partial discharge or partial cessation shall be deemed to hold the fee in the lands mentioned in the mortgage or charge and to retain, after the giving of the partial discharge or partial cessation, the fee in the balance of the lands, and for the purposes of this section shall be deemed to convey by way of deed or transfer the land mentioned in the partial discharge or partial cessation.

Partial
discharges,
etc., effect of

(17) Subsection (16) does not apply to a partial discharge of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation,

Saving

- (a) is the same land in respect of which a consent to convey has previously been given;
- (b) includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection (4); or
- (c) is owned by Her Majesty in right of Canada or Her Majesty in right of Ontario, Ontario Hydro or by any municipality.

Foreclosure or exercise of power of sale, when approval of Minister required

(18) No foreclosure of or exercise of a power of sale in a mortgage or charge shall have any effect in law without the approval of the Minister unless all of the land subject to such mortgage or charge is included in the foreclosure or exercise of the power of sale, as the case may be, but this subsection does not apply where the land foreclosed or in respect of which the power of sale is exercised comprises only,

- (a) the whole of one or more lots or blocks within one or more registered plans of subdivision; or
- (b) one or more parcels of land that do not abut any other parcel of land that is subject to the same mortgage or charge.

Release of interest by joint tenant or tenant in common

(19) Where a joint tenant or tenant in common of land releases or conveys his interest in such land to one or more other joint tenants or tenants in common of the same land while holding the fee in any abutting land, either by himself or together with any other person, he shall be deemed, for the purposes of subsections (3) and (5), to convey such land by way of deed or transfer and to retain the fee in the rebutting land.

Order made under R.S.O. 1980, c. 369

(20) No order made under the *Partition Act* for the partition of land shall have any effect in law unless,

- (a) irrespective of the order, each part of the land described in the order could be conveyed without contravening this section; or
- (b) a consent is given to the order.

Conveyance, etc., contrary to section not to create or convey interest in land

(21) An agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into subject to the express condi-

tion contained therein that such agreement is to be effective only if the provisions of this section are complied with.

(22) A certified copy or duplicate of every by-law passed under subsection (4) shall be lodged by the clerk of the municipality in the office of the Minister.

Copy of by-law to be lodged with Minister

(23) A by-law passed under subsection (4) is not effective until the requirements of subsection (24) have been complied with.

When by-law effective

(24) A certified copy or duplicate of every by-law passed under this section shall be registered by the clerk of the municipality in the proper land registry office.

Registration of by-law

(25) No notice or hearing is required prior to the passing of a by-law under subsection (4), but the council shall give notice of the passing of any such by-law within thirty days of the passing thereof to each person appearing on the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person.

Notice

(26) The council shall hear in person or by his agent any person to whom a notice was sent under subsection (25), who within twenty days of the mailing of the notice to him gives notice to the clerk of the municipality that he desires to make representations respecting the amendment or repeal of the by-law.

Hearing by council

50. —(1) An owner of land or his agent duly authorized in writing may apply to the Minister for approval of a plan of subdivision of his land or part thereof.

Application for approval of subdivision plan

(2) An applicant under subsection (1) shall provide as many copies as may be required by the Minister of a draft plan of the proposed subdivision drawn to scale and showing,

What draft plan to indicate

- (a) the boundaries of the land to be subdivided, certified by an Ontario land surveyor;
- (b) the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;
- (c) on a small key plan, on a scale of not less than one centimetre to 100 metres, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which he has an interest, every subdivision

adjacent to the proposed subdivision and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;

- (d) the purpose for which the lots are to be used;
- (e) the existing uses of all adjoining lands;
- (f) the approximate dimensions and layout of the proposed lots;
- (g) natural and artificial features such as buildings or other structures or installations, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided;
- (h) the availability and nature of domestic water supplies;
- (i) the nature and porosity of the soil;
- (j) existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land;
- (k) the municipal services available or to be available to the land proposed to be subdivided; and
- (l) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided.

Minister may
confer

(3) The Minister may confer with municipal, provincial or federal officials, with officials of commissions, authorities or corporations and with such other bodies or persons as the Minister considers may have an interest in the approval of the proposed subdivision.

What matters
to be
regarded

(4) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the local municipality and to the following,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan generally conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy thereof;
- (f) the dimensions and shape of the lots;
- (g) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and
- (l) the physical layout of the plan having regard to energy conservation.

(5) The Minister may impose such conditions to the approval of a plan of subdivision as in his opinion are reasonable, having regard to the nature of the development proposed for the subdivision and, in particular, but without restricting in any way whatsoever the generality of the foregoing, he may impose as a condition,

Dedication of
land for park
and highway
purposes

- (a) that land to an amount to be determined by the Minister but not exceeding in the case of a subdivision proposed for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land included in the plan shall be conveyed to the local municipality for park or other public recreational purposes or, if the land is not in a municipality, shall

be dedicated for park or other public recreational purposes;

- (b) that such highways shall be dedicated as the Minister considers necessary;
- (c) when the subdivision abuts on an existing highway that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to such width as the Minister considers necessary; and
- (d) that the owner of the land enter into one or more agreements with a municipality, or where the land is not in a municipality, with the Minister, dealing with such matters as the Minister may consider necessary, including the provision of municipal services.

Subdivision
agreements

(6) Every municipality and the Minister may enter into agreements imposed as a condition to the approval of a plan of subdivision and any such agreement may be registered against the land to which it applies and the municipality or the Minister, as the case may be, shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

R.S.O. 1980,
cc. 445, 230

Alternative
requirement

(7) Where the Minister has imposed a condition under clause (5) (a) requiring land to be conveyed to the municipality and where the municipality has an official plan that contains specific policies relating to the provision of lands for park or other public recreational purposes, the municipality, in the case of a subdivision proposed for residential purposes, may, in lieu of such conveyance, require that land included in the plan be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be determined by the municipality.

Cash
payment in
lieu of
conveyance

(8) Where the Minister has imposed a condition under clause (5) (a) requiring land to be conveyed to the municipality, the municipality may, in lieu of accepting such conveyance, require the payment of money by the owner of the land,

- (a) to the value of the land otherwise required to be conveyed; or
- (b) where the municipality would be entitled to require a conveyance under subsection (7), to the value of the

land that would otherwise be required to be so conveyed.

(9) For the purpose of determining the amount of any payment required under subsection (8), the value of the land shall be determined as of the day before the day of the draft approval of the plan and where the owner and the municipality are unable to agree on the value, either party may apply to the Land Compensation Board to have the value determined and the Board shall, in accordance as nearly as may be with the provisions of the *Expropriations Act*, determine the value of the land.

Valuation of
land

R.S.O. 1980,
c. 148

(10) Land conveyed to a municipality pursuant to a condition imposed under subsection (5) shall be used for park or other public recreational purposes but may be sold at any time.

Use and sale
of land

(11) The council of a municipality may include in its estimates an amount to be used for the acquisition of lands to be used for park or other public recreational purposes and may pay into the fund provided for in subsection (12) the sum so included in the estimates, and any person may pay any sum into the same fund.

Fund for
acquisition of
park lands

(12) All moneys received by the municipality under subsections (8) and (11) and all moneys received on the sale of land under subsection (10), less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be used for park or other public recreational purposes, including the erection or repair of buildings or other structures thereon or for the maintenance of lands, buildings or structures used for park or other public recreational purposes, including the acquisition of machinery and equipment required for such maintenance, and the moneys in such special account may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

Special
account

R.S.O. 1980,
c. 512

(13) The Minister may, subject to subsections (14) and (15), give or refuse to give his approval to a draft plan of subdivision.

Giving or
refusing of
approval by
Minister

(14) Where the Minister proposes to refuse to give his approval to a draft plan of subdivision, the Minister shall send notice to the applicant together with written reasons as to why he proposes to refuse his approval and where the applicant does not, within sixty days of the sending of the notice, request

Reasons for
refusal

the Minister to refer the draft plan to the Municipal Board, the approval of the Minister shall be deemed to have been refused.

Referral of
plan to
O.M.B.

(15) At any time before the Minister has given or has refused to give his approval to a draft plan of subdivision, the Minister may, and upon application therefor shall, refer the draft plan of subdivision to the Municipal Board unless, in his opinion, such request is not made in good faith, or is frivolous or vexatious or is made only for the purpose of delay and where the draft plan is referred to the Board the Board shall hear and determine the matter.

Reasons

(16) Where an application is made under subsection (15), the application shall be accompanied by written reasons in support thereof.

Reference of
conditions

(17) Where the owner of the land, the local municipality or the county or regional, metropolitan or district municipality, if any, in which the land is situate, is not satisfied as to the conditions or any of the conditions, imposed or to be imposed, he or it, at any time before the plan of subdivision is finally approved, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister, and the Board shall then hear and determine the question as to the condition or conditions so referred to it.

Withdrawal
of approval

(18) The Minister may, in his discretion, withdraw his approval to a draft plan of subdivision or change the conditions of such approval at any time prior to his approval of a final plan for registration.

When draft
plan
approved
R.S.O. 1980,
cc. 493, 445,
230

(19) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with the *Surveys Act* and the *Registry Act* or the *Surveys Act* and the *Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor.

Approval
of plan by
Minister

(20) Upon presentation by the person desiring to subdivide, the Minister may, if satisfied that the plan is in conformity with the approved draft plan and that the conditions of approval have been or will be fulfilled, approve the plan of subdivision and thereupon the plan of subdivision may be tendered for registration.

Withdrawal
of approval
of plan for
registration

(21) When a final plan for registration is approved under subsection (20) and is not registered within thirty days of the date of approval, the Minister may withdraw his approval.

(22) In addition to any requirement under the *Registry Act* or the *Land Titles Act*, the person tendering the plan of subdivision for registration shall deposit with the land registrar a duplicate, or when required by the Minister two duplicates, of the plan of a type approved by the Minister, and the land registrar shall endorse thereon a certificate showing the number of the plan and the date when the plan was registered and shall deliver such duplicate or duplicates to the Minister.

Duplicates to be deposited and sent to Minister
R.S.O. 1980, cc. 445, 230

(23) Approval of a plan of subdivision by the Minister does not operate to release any person from doing anything that he may be required to do by or under the authority of any other Act.

Saving

51.—(1) No person shall subdivide and offer for sale, agree to sell or sell land by a description in accordance with an unregistered plan of subdivision, but this subsection does not prohibit any person from offering for sale or agreeing to sell land by a description in accordance with a plan of subdivision in respect of which draft approval has been given under section 50.

Sale of lands in accordance with unregistered plan prohibited

(2) In subsection (1), “unregistered plan of subdivision” does not include a reference plan of survey under section 149 of the *Land Titles Act* that complies with the regulations under that Act or a plan deposited under Part II of the *Registry Act* in accordance with the regulations under that Act.

Interpretation

52.—(1) An owner of land or his agent duly authorized in writing may apply for a consent as defined in subsection 49 (1) and the council or the Minister, as the case may be, may, subject to subsections (2) to (22) of this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.

Consent

(2) A council in dealing with applications for consent shall comply with such rules of procedure as are prescribed and a council or the Minister, as the case may be, in determining whether a consent is to be given shall have regard to the matters that are to be had regard to under subsection 50 (4) and has the same powers with respect to a consent as the Minister has with respect to an approval of a plan of subdivision under subsection 50 (5), and subsections 50 (6), (7), (8), (9), (10) and (12) apply with necessary modifications.

Rules to be complied with and matters to be regarded

(3) Where, on the giving of a consent, land is required to be conveyed to a municipality for park or other public recreational purposes and the council of the municipality requires the payment of money to the value of the land in lieu of the conveyance, for the purpose of determining the amount of the pay-

Conveyance of land for park purposes

ment the value of the land shall be determined as of the day before the day of the giving of the consent.

Conferring
with
agencies, etc.

(4) A council, in determining whether a consent is to be given, shall confer with such agencies or persons as are prescribed.

Notice of
decision

(5) Where a decision is made by a council to give a consent, written notice of the decision, setting out the conditions, if any, imposed to the giving of the consent, shall be sent, not later than ten days from the making of the decision, to the applicant, to every agency or person conferred with under subsection (4) that in writing requested to be given notice of the decision, to any other person who in writing requested to be given notice of the decision and to the Minister, if the Minister has notified the council by registered mail that he wishes to receive a copy of all decisions made to give a consent.

Idem

(6) Where a decision is made by a council to refuse to give a consent, written notice of the decision shall be sent not later than ten days from the making of the decision to the applicant and to the agencies and persons mentioned in subsection (5), other than the Minister, together with written reasons for the decision.

Appeal to
O.M.B.

(7) The applicant, the Minister and every agency or other person to whom notice of the decision was sent may within thirty days of the making of the decision appeal to the Municipal Board against the decision by filing with the clerk of the municipality, the council of which made the decision, a notice of appeal setting out written reasons in support of the appeal and accompanied by payment to the clerk of the fee prescribed by the Board under the *Ontario Municipal Board Act*.

R.S.O. 1980,
c. 347

Idem

(8) Where the applicant, the Minister or any agency or other person to whom notice of the decision was sent, is not satisfied as to the conditions or any of the conditions imposed by a council, he or it may within thirty days of the making of the decision appeal in respect of the conditions or any of the conditions by filing with the clerk of the municipality, the council of which made the decision, a notice of appeal specifying the condition or conditions appealed and setting out written reasons in support of the appeal, accompanied by payment to the clerk of the fee prescribed by the Board under the *Ontario Municipal Board Act*.

Idem

(9) The clerk of the municipality upon receipt of a notice of appeal filed under subsection (7) or (8) shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection (7) or (8) to the Municipal Board by registered mail

together with all papers and documents filed with the council relating to the matter appealed from and such other documents and papers as may be required by the Board.

(10) The Minister in determining whether a consent is to be given shall confer with such officials, authorities, corporations, bodies or persons as the Minister considers may have an interest in the application and thereafter may, subject to subsections (11) to (19), give, or refuse to give, the consent.

Minister may confer with officials, etc.

(11) Where the Minister proposes to impose conditions to the giving of a consent, the Minister shall give written notice to the applicant specifying the conditions, and the Minister may change the conditions at any time prior to the giving of the consent.

Conditions

(12) Where the Minister proposes to refuse to give a consent, the Minister shall send notice to the applicant together with written reasons as to why it is proposed to refuse to give the consent and where the applicant does not, within sixty days of the sending of the notice, request the Minister to refer the application for consent to the Municipal Board, the consent shall be deemed to have been refused.

Reasons for refusal to give consent

(13) At any time before written notice is given to an applicant under subsection (11) specifying conditions, the Minister may, and upon application therefor accompanied by written reasons in support thereof shall, refer the application for consent to the Municipal Board unless, in the opinion of the Minister, such request is not made in good faith, or is frivolous or vexatious or is made only for the purpose of delay, but in no event may an application for consent be referred to the Board after the Minister has given or refused to give the consent.

Referral to O.M.B.

(14) Where the owner of the land, the local municipality or the county or regional, metropolitan or district municipality, if any, in which the land is situate, is not satisfied as to the conditions or any of the conditions imposed or to be imposed by the Minister, he or it, at any time before the consent is given, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister.

Idem

(15) On an appeal to the Municipal Board under subsection (7) or where an application for a consent is referred to the Board under subsection (13) or where conditions are appealed or referred to the Board under subsection (8) or (14), the Board shall hold a hearing of which notice shall be given to such agencies or persons and in such manner as the Board may determine.

Hearing by O.M.B.

Dismissal of
appeal
without
hearing

(16) Despite subsection (15), the Municipal Board may, where it is of the opinion that the reasons in support of an appeal under subsection (7) or (8) are insufficient, dismiss the appeal without holding a full hearing, but before so dismissing the appeal, shall notify the appellant and afford him an opportunity to make representations as to the merits of the appeal.

Powers of
O.M.B.

(17) Following the hearing on an appeal under subsection (7) or a referral under subsection (13), the Municipal Board may make any decision that the council or the Minister, as the case may be, could have made on the original application and on a referral of conditions under subsection (8) or (14) the Board shall determine the question as to the condition or conditions referred to it.

Where
consent to be
given

(18) Where under subsection (17) the decision of the Municipal Board is that a consent be given, the council or the Minister, as the case may be, shall thereupon give the consent, except that where conditions have been imposed the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled.

Idem

(19) Where the decision of the council or the Minister on an application is to give a consent and there has been no appeal under subsection (7) or (8) and no referral under subsection (13) or (14), the consent shall be given, except that where conditions have been imposed the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled.

Where
conditions
not fulfilled

(20) Where conditions have been imposed and the applicant has not, within a period of one year from the giving of the notice mentioned in subsection (5) or (11), as the case may be, fulfilled the conditions, the application for consent shall thereupon be deemed to be refused.

Certificate
that consent
given

(21) When a consent has been given under this section, the clerk of the municipality, the council of which gave the consent or the Minister, as the case may be, shall give a certificate to the applicant stating that the consent has been given and the certificate is conclusive evidence that the consent was given and that the provisions of this Act leading to the consent have been complied with and that, despite any other provision of this Act, the council or the Minister had jurisdiction to grant the consent and after the certificate has been given no action may be maintained to question the validity of the consent but, where the authority to give consents has been delegated under section 53 to a land division committee or to a committee of adjustment, the certificate shall be given by the secretary-treasurer of the appropriate committee.

(22) A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (21) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister, as the case may be, in giving the consent may provide for an earlier lapsing of the consent.

When
consent
lapses

(23) Where a land division committee or a committee of adjustment has had delegated to it the authority for the giving of consents any reference in this section to "the clerk of the municipality" shall be deemed to be a reference to the secretary-treasurer of such land division committee or committee of adjustment.

Reference to
clerk deemed
reference to
secretary-
treasurer

53.—(1) The council of a county or of a regional, metropolitan or district municipality, with the approval of the Minister, may, by by-law, delegate to the council of a constituent local or area municipality, as the case may be, the authority for the giving of consents under section 52 in respect of land situate in the local or area municipality.

Delegation
of authority
to give
consents to
constituent
municipality

(2) Where authority is delegated to a council under subsection (1), such council may, in turn, by by-law, delegate the authority or any part of such authority, to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment.

Further
delegation

(3) The Minister may, at any time, revoke the approval given under subsection (1) by giving written notice thereof to the clerk of the council that passed the delegating by-law and to the clerk of the council that received the delegated authority and when such notice is given the delegation is thereupon terminated except that all applications for consent made prior to the giving of the notice shall continue to be dealt with as if the delegation had not been terminated.

Withdrawal
of delegated
powers

(4) Except as delegated under subsection (1), the authority or any part of such authority of a council of a county or of a council of a regional, metropolitan or district municipality may be delegated by the council to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a land division committee.

Delegation to
committee of
council, etc.

(5) The council of a city that is not situate within a regional municipality or that is not situate within The Municipality of Metropolitan Toronto, The District Municipality of Muskoka or the County of Oxford and the council of any other local municipality that is within a county but that does not form part of the county for municipal purposes may, by by-law, delegate the authority of the council under section 52 or any part of such

Idem

authority to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment.

Committee
of
adjustment

(6) Where, under subsection (2) or (5), a committee of adjustment has had delegated to it the authority to give a consent, the provisions of subsections 52 (2) to (9) and (15) to (22) apply with necessary modifications and the provisions of subsections 44 (4) to (20) do not apply, in the exercise of that authority.

Conditions,
withdrawal

(7) A delegation of authority made by a council under this section may be subject to such conditions as the council by by-law provides and the council may by by-law withdraw the delegation of authority provided however, where authority delegated under subsection (1) is withdrawn, all applications for consent made prior to the withdrawal shall continue to be dealt with as if the delegation had not been withdrawn.

District land
division
committee,
delegation

54.—(1) The Minister by order may constitute and appoint one or more district land division committees composed of such persons as he considers advisable and may by order delegate thereto the authority of the Minister to give consents under section 52 in respect of such lands situate in a territorial district as are defined in the order.

Conditions
and
withdrawal of
delegation

(2) A delegation made by the Minister under subsection (1) may be subject to such conditions as the Minister may by order provide and the Minister may by order withdraw any delegation.

Application
of s. 43

(3) Where the Minister has delegated his authority to a district land division committee under subsection (1), the provisions of subsections 43 (5), (6), (7), (8), (10) and (11) apply with necessary modifications.

Agreements

(4) A district land division committee may enter into agreements imposed as a condition to the giving of a consent in respect of land situate in territory without municipal organization and the provisions of subsection 50 (6) apply with necessary modifications to any such agreement.

Remuner-
ation

(5) The members of a district land division committee appointed under this section shall be paid such remuneration as is provided for by the order appointing them.

Application
of fees

(6) The moneys received by a district land division committee by way of fees in respect of applications made to it shall be paid into the Consolidated Revenue Fund.

55.—(1) The council of a county or of a regional, metropolitan or district municipality may by by-law constitute and appoint a land division committee composed of such persons, not fewer than three, as the council considers advisable.

Land division
committee

(2) The provisions of subsections 43 (2) to (11) apply, with necessary modifications, where a land division committee is constituted under subsection (1) of this section.

Application
of s. 43 (2-11)

56.—(1) The Minister may, by order, in respect of land described in the order provide that the contravention, before the 19th day of March, 1973, of section 29 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, or a predecessor thereof or of a by-law passed under a predecessor of section 29 or of an order made under clause 27 (1)(b), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in such land, provided that the order does not affect the rights acquired by any person from a judgment or order of any court, given or made on or before the day on which the order is made by the Minister.

Effect of
contra-
vention of
R.S.O. 1970,
c. 349, s. 29,
etc., on
conveyances
made prior to
March 19,
1973

(2) No order shall be made by the Minister under subsection (1) in respect of land situate in a local municipality unless the council of the local municipality in which the land is situate has by by-law requested the Minister to make such order, which such by-law the council is hereby empowered to pass.

Proviso

(3) A council may, as a condition to the passage of a by-law under subsection (2), impose such conditions in respect of any land described in the by-law as it considers appropriate.

Conditions

(4) Nothing in this section derogates from the power a council or the Minister has to grant consents referred to in section 52.

Proviso

PART VII

GENERAL

Application
of R.S.O.
1980, c. 302,
to acquisition
of land

57. The provisions of the *Municipal Act* apply to the acquisition of land under this Act.

Power to
clear, grade,
etc., lands
acquired

58. When a municipality has acquired or holds lands for any purpose authorized by this Act, the municipality may clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held.

Exchange of
lands

59. When a municipality acquires land for any purpose authorized by this Act, the whole or partial consideration therefor may be land then owned by the municipality.

Fair hearing

60. Where, in passing a by-law under this Act, a council is required by this Act, by the provisions of an official plan or otherwise by law, to afford any person an opportunity to make representation in respect of the subject-matter of the by-law, the council shall afford such person a fair opportunity to make representation but throughout the course of passing the by-law the council shall be deemed to be performing a legislative and not a judicial function.

Application
of Act to
Ontario
Hydro

61.—(1) Except as provided in sections 3, 6 and 47 and subsection (2) of this section, this Act does not affect Ontario Hydro.

Idem

(2) Land and buildings owned by Ontario Hydro and used for executive, administrative or retail purposes or held under lease or licence from Ontario Hydro and, unless approved under the *Environmental Assessment Act*, any other undertaking of Ontario Hydro, are subject to this Act.

R.S.O. 1980,
c. 140

Effect of
approval or
consent of
O.M.B.

62.—(1) Where a matter is referred to the Municipal Board under this Act, the approval or consent of the Board has the same force and effect as if it were the approval or consent of the Minister or the council of a municipality.

Deemed
compliance
with Act

(2) Where an approval or consent is given under this Act, the provisions of this Act leading to such approval or consent shall be deemed to have been complied with.

Non-
application of
R.S.O. 1980,
c. 347, s. 94

63. Despite section 94 of the *Ontario Municipal Board Act*, there is no right to file a petition under that section in respect of any order or decision of the Municipal Board made in respect of any matter referred or appealed to the Board under this Act.

64. When under this Act the Minister has referred a matter to the Municipal Board, the matter may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board, but where a matter has been referred to the Board pursuant to the request of any person, the matter shall not be taken back from the Board by the Minister except on the further request of such person and with the concurrence of all other persons, if any, who had requested that the matter be referred to the Board.

Resumption
by Minister
of matters
referred to
O.M.B.

65. Where the Minister or the council of a municipality delegates under this Act the authority to give an approval or consent, an approval or consent given under the authority has the same force and effect as if it were the approval or consent of the Minister or the council, as the case may be.

Effect of
approval or
consent
under
delegated
authority

66.—(1) Every person who contravenes section 40, 45 or 51 or who contravenes a by-law passed under section 34 or 37 or an order made under section 46 is guilty of an offence and on conviction is liable,

Penalty

- (a) on a first conviction to a fine of not more than \$20,000; and
- (b) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.

(2) Where a corporation is convicted under subsection (1), the maximum penalty that may be imposed is,

Corporation

- (a) on a first conviction a fine of not more than \$50,000; and
- (b) on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted,

and not as provided in subsection (1).

(3) Where a conviction is entered under subsection (1), in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Order of
prohibition

Saving
R.S.O. 1980,
c. 31, s. 57

67.—(1) Despite section 57 of the *Assessment Act*, it is not an offence to disclose the information referred to therein to any employee of a municipality who declares that such information is required in the course of his planning duties.

Offence

(2) An employee of a municipality who wilfully discloses or permits to be disclosed the information referred to in subsection (1) to any other person not likewise entitled in the course of his duties to acquire or have access to the information is guilty of an offence and on conviction is liable to a fine of not more than \$2,000, or to imprisonment for a term of not more than six months, or to both.

Exception

(3) This section does not prevent disclosure of such information by any person when being examined as a witness in an action or other proceeding in a court or in an arbitration.

Tariff of fees

68.—(1) The council of a municipality may by by-law prescribe a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment or land division committee constituted by the council of the municipality in respect of the processing of each type of application provided for in the tariff.

Reduction or
waiver of fees

(2) Notwithstanding that a tariff of fees is prescribed under subsection (1) the council of a municipality, a committee of adjustment or a land division committee in processing an application may reduce the amount of, or waive the requirement for the payment of a fee in respect of the application where the council or committee is satisfied that it would be unreasonable to require payment in accordance with the tariff.

Payment
under
protest:
appeal to
O.M.B.

(3) Any person who is required to pay a fee for the processing of an application in respect of a planning matter may pay the amount of the fee under protest and thereafter appeal to the Municipal Board against the levying of the fee or the amount of the fee by giving written notice of appeal to the Municipal Board within thirty days of payment of the fee.

Hearing

(4) The Municipal Board shall hear an appeal made under subsection (3) and shall dismiss the appeal or direct that a refund payment be made to the appellant in such amount as the Board determines.

Regulations

69. The Lieutenant Governor in Council may make regulations,

- (a) prescribing for the purposes of subsection 17 (2), 28 (4) or 34 (12), the persons that are to be given notice and the manner in which notice is to be given;
- (b) prescribing for the purposes of subsection 34 (17), the persons and agencies that are to be given notice and the manner and form in which notice is to be given;
- (c) prescribing for the purposes of subsection 35(4), 37 (3) or 44 (5), the persons and agencies that are to be given notice, the manner in which notice is to be given and the information that must be contained therein;
- (d) providing for the charging of a fee on any application made in respect of a planning matter to a planning board that has had authority delegated to it by the Minister;
- (e) prescribing for the purposes of subsection 43 (11), rules of procedure for committees of adjustment;
- (f) prescribing for the purposes of subsection 52 (2), rules of procedure for councils and delegates thereof;
- (g) prescribing rules of procedure for district land division committees constituted under section 54;
- (h) prescribing agencies or persons for the purposes of subsection 52 (4); and
- (i) prescribing for the purposes of subsection 44 (11), the additional information and material required to be sent to the Minister.

70. In the event of conflict between the provisions of this and any other general or special Act, the provisions of this Act prevail. Conflict

71.—(1) Except as provided in subsection (2), every official plan that is in effect immediately before the day this Act comes into force shall remain in effect but may be amended or repealed in accordance with this Act. Official plans remain in effect

(2) Unless continued in force by an order made by the Minister under subsection (3), every official plan of a joint planning area, other than an official plan that was adopted by the council of a county and other than an official plan of a joint planning area in a territorial district, that is in effect immediately before Repeal of joint official plans

the day this Act comes into force shall be deemed to be repealed two years from that day, if not sooner repealed.

Continuation
of joint
official plans

(3) The Minister may by order provide for the remaining in force of any joint official plan or part or parts thereof that would otherwise be deemed to be repealed under subsection (2) and in such order may make such provision for the effectual continuation of such plan or the part or parts thereof as he considers necessary, including provision for the allocation of the plan or part or parts thereof to any local municipality or country situate wholly or partly within the area to which the plan applies.

Amendment
or repeal

(4) At any time during the two year period mentioned in subsection (2), the Minister may approve any amendment or repeal of an official plan of a joint planning area that may be proposed by the council of any municipality affected by the official plan.

Planning
areas and
boards
dissolved

72.—(1) Except as provided in subsection (3), on the day this Act comes into force all planning areas including joint planning areas and subsidiary planning areas together with the planning boards thereof are dissolved.

Assets and
liabilities

(2) All the assets and liabilities of a planning board dissolved by this section are, in the case of a planning board of a planning area consisting of part or all of one municipality, assets and liabilities of such municipality and in the case of a planning board of a joint planning area, assets and liabilities of the municipalities that form part of the joint planning area and if such municipalities cannot agree as to the disposition of the assets and liabilities, the Municipal Board, upon the application of one or more of the municipalities, shall direct a final disposition thereof.

Planning
areas that are
continued

(3) Each planning area that immediately before the day this Act comes into force consists of the whole of two or more municipalities that are situate in a territorial district or consists of the whole of one or more municipalities and territory without municipal organization or consists solely of territory without municipal organization shall continue as a planning area under this Act without any change in name until altered or dissolved by the Minister.

Planning
boards that
are continued

(4) Each planning board of a planning area mentioned in subsection (3) shall continue as a planning board under this Act without any change in name or constitution until the planning area is dissolved or the name or constitution of the planning board is changed by the Minister.

(5) Persons who immediately before the day this Act comes into force are members of a planning board mentioned in subsection (4) shall remain in office until the expiry of the term of the council that appointed them and until their successors have been appointed under this Act.

Members of
planning
boards that
remain in
office

73.—(1) The *Planning Act*, except section 40, being chapter 379 of the Revised Statutes of Ontario, 1980, is repealed.

Repeal

(2) Section 40 of the said Act is repealed.

Idem

74.—(1) In this section, “former Act” means the *Planning Act*, being chapter 379 of the Revised Statutes of Ontario, 1980.

Interpre-
tation

(2) Despite section 73, any matter or proceeding mentioned in subsection (3) that has been commenced under the former Act before the day this Act comes into force shall be continued and finally disposed of under the former Act.

Matters, etc.,
continued
under
R.S.O. 1980,
c. 379

(3) For the purposes of subsection (2), a matter or proceeding shall be deemed to have been commenced, in the case of,

When
matters, etc.,
deemed
commenced

- (a) an official plan or an amendment thereto or a repeal thereof, on the day the by-law adopting the plan or adopting or proposing the amendment or repeal of the plan is passed;
- (b) a request under subsection 17 (3) of the former Act, on the day the request is made;
- (c) redevelopment under section 22 of the former Act, on the day the by-law designating the redevelopment area is passed;
- (d) subdivision of land under section 36 of the former Act, on the day the application is made under subsection (1) of that section;
- (e) a zoning by-law or an amendment thereto, on the day the by-law is passed;
- (f) an application under subsection 39 (23) of the former Act, on the day the application is made;
- (g) development in a site plan control area, on the day the application is made under subsection 40 (4) of the former Act;

- (h) an application made to a committee of adjustment, a land division committee or planning board for a planning area in a territorial district, on the day the application is made; and
- (i) an application to the Minister for a consent under section 29 of the former Act, on the day the application is made.

Commence-
ment

75. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

76. The short title of this Act is the *Planning Act, 1983*.

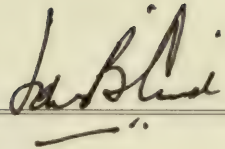
ASSENTED TO BY LIEUTENANT-GOVERNOR

Jan. 27, 1983



CLERK
LEGISLATIVE ASSEMBLY

BILL 163



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to amend the Agricultural Societies Act

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 163

1982

An Act to amend the Agricultural Societies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of the *Agricultural Societies Act*, being chapter 14 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause: ^{s. 1, amended}

(aa) "Director" means the person appointed as the Director under section 1a.

- (2) Clause 1 (f) of the said Act is repealed. ^{s. 1 (f), repealed}

2. The said Act is amended by adding thereto the following section: ^{s. 1a, enacted}

1a. The Minister may appoint an officer of the Ministry to be the Director for the purposes of this Act. ^{Director}

3. Sections 2, 4, 5, 7 and 9, subsection 11 (1) and sections 14, 16, 20, 24 and 25 of the said Act are amended by striking out "Superintendent" wherever it occurs and inserting in lieu thereof in each instance "Director". ^{ss. 2, 4, 5, 7, 9, 11 (1), 14, 16, 20, 24, 25, amended}

4. Subsections 11 (2) and (3) of the said Act are repealed and the following substituted therefor: ^{s. 11 (2, 3), re-enacted}

(2) The officers of every society shall, within ninety days of the holding of the society's annual meeting, forward to the Director a return in the form prescribed by the Minister verified by an affidavit of an officer of the society showing the amount expended during the previous year by the society for agricultural purposes. ^{Annual returns}

(3) Where a society exhibits a display of a farm product that is produced on a commercial basis or holds a field-crop or other competition or sponsors an amateur program, using local talent to provide entertainment, the officers of the society shall within ninety days thereafter forward to the Director on a form supplied ^{Statement as to competitions, etc.}

by the Ministry a statement showing the particulars of the display, competition or amateur program including, where applicable, the number of entries and the expenditures, including prizes awarded, in connection therewith.

Information
to be made
available
to public

(3a) The statement of officers and members referred to in subsection (1) shall, in addition to any other information that may be required, set out the names and residence addresses of the directors and officers of the society and such names and addresses shall be made available to the public by the Director.

s. 20,
amended

5. Section 20 of the said Act is amended by adding thereto the following subsection:

Non-
application of
R.S.O. 1980,
c. 96

(3) The *Corporations Information Act* does not apply to a society.

s. 24 (1),
par. 3,
subpar. iii,
re-enacted

6. Subparagraph iii of paragraph 3 of subsection 24 (1) of the said Act is repealed and the following substituted therefor:

iii. no society shall in any year receive a grant in excess of \$2,000.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is the *Agricultural Societies Amendment Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Nov. 18 1982

Roderick Lee

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend the
Agricultural Societies Act

1st Reading

June 25th, 1982

2nd Reading

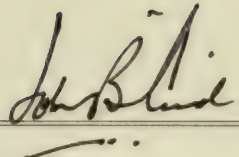
October 19th, 1982

3rd Reading

November 2nd, 1982

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food

BILL 164



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to amend the Horticultural Societies Act

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 164

1982

An Act to amend the Horticultural Societies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (b) of the *Horticultural Societies Act*, being chapter 204 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

s. 1 (b),
re-enacted

(b) "Director" means the person appointed as the Director under section 1a.
2. The said Act is amended by adding thereto the following section:

s. 1a,
enacted

1a. The Minister may appoint an officer of the Ministry to be the Director for the purposes of this Act. Director
3. Subsection 3 (2) of the said Act is repealed and the following substituted therefor:

s. 3 (2),
re-enacted

(2) In a local municipality having a population of not less than 25,000 there may be two societies and for each additional 25,000 of population there may be an additional society. Additional
societies
4. Clause (b) of paragraph 7 of section 4 of the said Act is repealed and the following substituted therefor:

s. 4, par. 7,
cl. (b),
re-enacted

(b) where the Director has so authorized, there may be elected not more than five additional directors and not more than five youth directors and no person is eligible for election as a youth director who, at the time of the election, is more than twenty-six years of age.
5. Section 5 of the said Act is amended by adding thereto the following subsections:

s. 5,
amended

(2) A society shall bear the name designated in the declaration or such other name as is determined by the members and approved by the Minister. Name

- Idem (3) In case of a dispute as to the name of a society or in a case where in the opinion of the Minister the name of a society prejudicially affects the interest of another society he may change the name of the society.
- s. 10 (1), re-enacted 6. Subsection 10 (1) of the said Act is repealed and the following substituted therefor:
- Annual meeting: (1) Every society shall hold a meeting annually during the month of January, November or December or such other month as the Director approves at such time and place as the board determines.
- s. 13, amended 7. Section 13 of the said Act is amended by adding thereto the following subsection:
- Information to be made available to public (2a) The statement of officers and members referred to in subsection (1) shall, in addition to any other information that may be required, set out the address of the head office, if any, and the names and residence addresses of the directors and officers of the society and such names and addresses shall be made available to the public by the Director and where the society does not have a head office, the statement shall set out the address where the books and records of the society are kept and the name of the person responsible for the custody of the books and records.
- s. 17a, enacted 8. The said Act is further amended by adding thereto the following section:
- Incorporation 17a.—(1) Every society, whether organized before or after the coming into force of this section, is a body corporate.
- Non-application of R.S.O. 1980, c. 96 (2) The *Corporations Information Act* does not apply to a society.
- Commencement 9. This Act comes into force on the day it receives Royal Assent.
- Short title 10. The short title of this Act is the *Horticultural Societies Amendment Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

NOV. 18 1982

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend the
Horticultural Societies Act

1st Reading

June 25th, 1982

2nd Reading

October 19th, 1982

3rd Reading

November 2nd, 1982

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food

LeBlond

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to amend the Legislative Assembly Act

THE HON. R. WELCH
Minister of Energy

BILL 168

1982

An Act to amend the Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 60 (1) and (2) of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1981, chapter 29, section 1, are repealed and the following substituted therefor:
 - (1) An indemnity at the rate of \$31,800 per annum shall be paid to every member of the Assembly. s. 60 (1, 2),
re-enacted
Members'
indemnities
 - (2) An allowance for expenses at the rate of \$10,600 shall be paid to every member of the Assembly. Members'
allowances
2. This Act shall be deemed to have come into force on the 1st day of April, 1982. Commence-
ment
3. The short title of this Act is the *Legislative Assembly Amendment Act, 1982*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

July 7 1982

Rodney Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
the Legislative Assembly Act

1st Reading

July 5th, 1982

2nd Reading

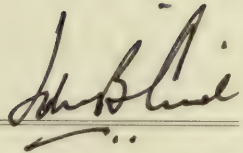
July 7th, 1982

3rd Reading

July 7th, 1982

THE HON. R. WELCH
Minister of Energy

BILL 171



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to revise the Farm Products Containers Act

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 171 **1982**

**An Act to revise the Farm Products
Containers Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "association" means The Ontario Beekeepers' Association or The Ontario Fruit and Vegetable Growers' Association;
- (b) "container" includes any bag, basket, box, can, crate or other receptacle used or suitable for use in the marketing of honey, fruit or vegetables;
- (c) "licence" means a licence provided for under the regulations made under this Act;
- (d) "producer" means a person engaged in the production of honey, fruit or vegetables and includes a person engaged in the handling, packing, processing, shipping, transporting, purchasing or selling of honey, fruit or vegetables;
- (e) "product" means honey or any fruit or vegetable.
R.S.O. 1980, c. 156, s. 1, *amended*.

2. Where the Minister of Agriculture and Food receives from an association a request asking that, for the purpose of defraying the expenses of the association, every producer of any product specified in the request who purchases containers therefor be required to be licensed and to pay licence fees and the Minister is of the opinion that the association is representative of such producers, the Lieutenant Governor in Council may make regulations,

Licensing of
producers

- (a) providing for the licensing of every such producer and requiring him to pay licence fees to the association

through the seller of the containers and fixing the amount of such fees and the time of payment thereof;

- (b) exempting from the regulations any class of producer;
- (c) exempting from the regulations any type of container;
- (d) requiring every person who sells containers either directly or indirectly to producers to collect the licence fees from the producers and to pay them to the association;
- (e) requiring persons engaged in selling containers to producers to furnish to the association such information relating to the sale of containers, including the completing and filing of returns, as the association determines;
- (f) prohibiting the association from using any licence fees for the retail or wholesale distribution or processing of the product; and
- (g) providing for the recovery by the association of licence fees by suit in any court of competent jurisdiction, and requiring persons engaged in selling containers to producers to account for licence fees payable to the association. R.S.O. 1980, c. 156, s. 2, *amended*.

Offence

3. Every person who contravenes any of the provisions of this Act or the regulations made under this Act is guilty of an offence and on conviction is liable to a fine of not more than \$500 for a first offence and to a fine of not more than \$5,000 for a subsequent offence. R.S.O. 1980, c. 156, s. 3, *amended*.

Repeal

4. The *Farm Products Containers Act*, being chapter 156 of the Revised Statutes of Ontario, 1980, is repealed.

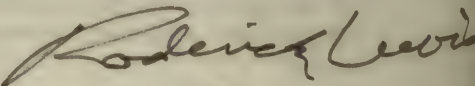
Commencement

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

6. The short title of this Act is the *Farm Products Containers Act*, 1982.

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV. 18 1982


CLERK
LEGISLATIVE ASSEMBLY

An Act to revise the
Farm Products Containers Act

1st Reading

July 6th, 1982

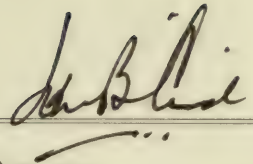
2nd Reading

October 19th, 1982

3rd Reading

November 2nd, 1982

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act to amend the
Ministry of Agriculture and Food Act**

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food

BILL 172

1982

An Act to amend the Ministry of Agriculture and Food Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Ministry of Agriculture and Food Act, being chapter 270 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections:

4a.—(1) Where, under this or any other Act or otherwise at law, a power or duty is granted to or vested in the Minister, the Minister may in writing delegate that power or duty to the Deputy Minister or to any officer or employee of the Ministry, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation.

Delegation
of powers
and duties

(2) Notwithstanding the *Executive Council Act*, a contract or an agreement made by a person empowered to do so under a delegation made under subsection (1) has the same effect as if made and signed by the Minister.

Contracts
and
agreements
R.S.O. 1980,
c. 147

4b.—(1) No action or other proceeding for damages shall be instituted against,

Protection
from
personal
liability

- (a) the Deputy Minister or any officer or employee of the Ministry or anyone acting under the Deputy Minister's authority; or
- (b) a member, officer, clerk or employee of the Agricultural Licensing and Registration Review Board or the Farm Products Appeal Tribunal,

for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

- (2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown

Crown
liability
R.S.O. 1980,
c. 393

of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject, and the Crown is liable under that Act for any such tort as if subsection (1) had not been enacted.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Ministry of Agriculture and Food Amendment Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV. 18 1982

Roderick Len

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend the Ministry of
Agriculture and Food Act

1st Reading

July 6th, 1982

2nd Reading

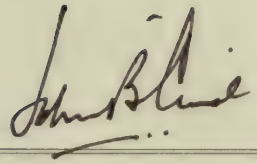
October 19th, 1982

3rd Reading

November 2nd, 1982

THE HON. D. R. TIMBRELL
Minister of Agriculture and Food

BILL 175



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act to amend the
McMichael Canadian Collection Act**

THE HON. B. MCCAFFREY
Minister of Citizenship and Culture

BILL 175

1982

An Act to amend the McMichael Canadian Collection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 7,
re-enacted

7. The Board shall ensure that the focus of the collection is the Nature of
collection
art work and objects created by,

(a) Tom Thomson, Emily Carr, David Milne, A. Y. Jackson, Lawren Harris, A. J. Casson, Frederick Varley, Arthur Lismer, J. H. MacDonald, Franklin Carmichael;

(b) the indigenous peoples of Canada,

and other artists who have made contributions to the development of Canadian art and whose art work and objects will be consistent with the general character of the collection.

2. Section 8 of the said Act is amended by adding thereto the following subsection: s. 8,
amended

(2) Notwithstanding clause (1) (b), no work of art donated or bequeathed to the Corporation shall be sold without the consent of the donor, his heirs, executors, administrators or assigns, unless there is an agreement to the contrary made at the time of the gift or thereafter. Consent
of donor

- 3.—(1) Clause 9 (1) (c) of the said Act is repealed. s. 9 (1) (c),
repealed

(2) Section 9 of the said Act is amended by adding thereto the following subsection: s. 9,
amended

(4) The net profits of the Corporation from the sale of books, art reproductions, copyrights, artifacts and other wares may be Disposition
of proceeds
from gift
shop

paid into and become part of the special fund or the general fund and where such net profits are paid into the general fund, any part of the net profits may be transferred from the general fund to the special fund, as the Board may determine.

s. 11,
amended

4. Section 11 of the said Act is amended by adding thereto the following subsection:

Idem,
Founder
Director-
Emeritus

(3) The Founder Director-Emeritus of the Corporation shall receive such remuneration as the Lieutenant Governor in Council may determine, payable out of the general fund of the Corporation.

s. 18 (c),
re-enacted

5. Clause 18 (c) of the said Act is repealed and the following substituted therefor:

(c) Robert McMichael shall be the Founder Director-Emeritus of the Corporation with such powers as are assigned to him from time to time by the Board and such duties as are set out in an agreement dated the 7th day of October, 1980, between the chairman of the Board and Robert McMichael and shall hold such office during pleasure of the Lieutenant Governor in Council.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *McMichael Canadian Collection Amendment Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 23 1982

Roderick Hewitt

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend the
McMichael Canadian Collection Act

1st Reading

March 9th, 1982

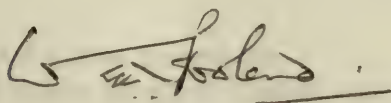
2nd Reading

March 9th, 1982

3rd Reading

April 23rd, 1982

THE HON. B. MCCAFFREY
Minister of Citizenship and Culture



Bill 177

*(Chapter 12
Statutes of Ontario, 1983)*

An Act to amend the Motor Vehicle Accident Claims Act

The Hon. R. G. Elgie
Minister of Consumer and Commercial Relations

<i>1st Reading</i>	July 7th, 1982
<i>2nd Reading</i>	February 14th, 1983
<i>3rd Reading</i>	February 14th, 1983
<i>Royal Assent</i>	February 23rd, 1983

Bill 177

1982

An Act to amend the Motor Vehicle Accident Claims Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of the *Motor Vehicle Accident Claims Act*, being chapter 298 of the Revised Statutes of Ontario, 1980, is amended by relettering clause (a) as clause (aa) and by adding thereto the following clause:

- (a) “designated insurer” means an insurer named as a designated insurer under subsection (2) and its estate.

(2) The said section 1 is further amended by adding thereto the following subsection:

(2) Where the Lieutenant Governor in Council is of the opinion that an insurer is not paying or is unable to pay, within a reasonable period of time, claims made against the insurer or claims for which final judgments have been given, the Lieutenant Governor in Council may, by regulation, name the insurer as a designated insurer for the purposes of this Act.

2.—(1) Subsection 4 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 66, Schedule, is further amended by striking out “provided that only that amount by which the judgment exceeds \$100 is payable out of the Fund” in the tenth and eleventh lines.

(2) Section 4 of the said Act is amended by adding thereto the following subsection:

(1a) In the case of loss or damage to property, only the amount by which the loss or damage exceeds \$100 shall be paid out of the Fund under this section.

s. 4a,
enacted

3. The said Act is amended by adding thereto the following section:

Application
in respect of
designated
insurer

4a.—(1) Where the death of or personal injury to or loss of or damage to property of any person is occasioned in Ontario by a motor vehicle insured under a motor vehicle liability policy issued by a designated insurer, any person who would have a cause of action against the owner or driver of such motor vehicle in respect of such death, personal injury, loss or property damage, except a person entitled to make an application under subsection 5 (1), may make application, in a form prescribed by the Minister, for payment out of the Fund of the damages in respect of such death, personal injury, loss or property damage.

Deductible

(2) In the case of loss or damage to property, only the amount by which the loss or damage exceeds \$100 shall be paid out of the Fund under this section.

Payment out
of Fund
authorized

(3) The Minister may, in respect of an application made under subsection (1), make payment out of the Fund of an amount that he considers proper in all the circumstances if,

- (a) the receiver or liquidator of the designated insurer irrevocably agrees to the validity and amount of the claim; and
- (b) the applicant executes a release and direction for payment in a form prescribed by the Minister to permit the Minister to claim from the designated insurer the amount paid by him to the applicant.

s. 7 (1),
amended

4.—(1) Subsection 7 (1) of the said Act is amended by adding at the end thereof “and the assignment shall be absolute in its form and effect notwithstanding that the amount paid out of the Fund is less than the amount of the judgment”.

s. 7,
amended

(2) Section 7 of the said Act is amended by adding thereto the following subsection:

Non-appli-
cation of
subss. (2, 3)

(4) Subsections (2) and (3) do not apply where the judgment debtor was insured under a motor vehicle liability policy issued by a designated insurer at the time of the accident that gave rise to the judgment.

s. 8,
amended

5. Section 8 of the said Act is amended by adding thereto the following subsection:

(2) Subsection (1) does not apply to a judgment debtor who was insured under a motor vehicle liability policy issued by a designated insurer at the time of the accident that gave rise to the judgment.

Non-appli-
cation of
subs. (1)

6. Section 20 of the said Act is repealed and the following substituted therefor:

s. 20,
re-enacted

20.—(1) No payment shall be made out of the Fund in respect of a claim or judgment for damages or in respect of a judgment against the Superintendent of an amount paid or payable by an insurer by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*, other than a policy of life insurance, and no amount sought to be paid out of the Fund shall be sought in lieu of making a claim or receiving a payment that is payable by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*, other than a policy of life insurance.

Payments in
relation to
amounts
payable by
insurer, etc.,
prohibited
R.S.O. 1980,
c. 218

(2) Notwithstanding subsection (1), payments may be made out of the Fund in respect of a claim or judgment for damages where the claim or judgment is against a person who at the time of the accident that gave rise to the claim or judgment was insured under a motor vehicle liability policy issued by a designated insurer, but any amount paid in respect of the claim or judgment by the designated insurer shall be deducted from the amount payable out of the Fund.

Claims and
judgments
against
persons
insured by
designated
insurers

(3) Notwithstanding subsections (1) and (2), no amount shall be paid out of the Fund to reimburse or otherwise indemnify an insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*.

No payments
by insurers

7. The said Act is further amended by adding thereto the following section:

s. 21a,
enacted

21a.—(1) This section applies only to payments out of the Fund made by reason of an insurer being named a designated insurer.

Application

(2) Where a payment is made out of the Fund by reason of an insurer being named as a designated insurer, the limits payable out of the Fund shall be those prescribed by this section and not those prescribed by section 21.

Limits
payable in
respect of
designated
insurer

(3) In respect of any application for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of March, 1981, the Minister shall not pay out of the Fund more than the total amount of \$200,000, exclu-

Idem

sive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one motor vehicle insured with a designated insurer and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$10,000.

Idem

(4) In respect of any application for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1977, and before the 1st day of March, 1981, the Minister shall not pay out of the Fund more than the total amount of \$100,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one motor vehicle insured with a designated insurer and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$5,000.

Idem

(5) In respect of any application for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of September, 1969, and before the 1st day of January, 1977, the Minister shall not pay out of the Fund more than the total amount of \$50,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one motor vehicle insured with a designated insurer and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$5,000.

Additional
payment

(6) Where a payment has been made out of the Fund by reason of an insurer being named as a designated insurer and the amount of the judgment, excluding interest thereon, exceeds the limits of the Fund as determined under subsections (3) to (5), upon receiving the final payment by the designated insurer, the Minister shall pay to the original judgment creditor an additional amount determined in accordance with the following formula:

$$A = (J - F) \times \frac{R}{J}$$

where,

A = The amount to be paid to the original judgment creditor under this subsection.

F = The amount paid out of the Fund.

J = The lesser of,

(a) the amount of the judgment, excluding interest thereon and costs therein; or

(b) the liability limit of the motor vehicle liability policy issued by the designated insurer.

R = The total amount recovered from the designated insurer with respect to the judgment by the Minister.

(7) Where any amount is recovered from any other source in partial discharge of the judgment debt, the maximum amount prescribed in this section shall be reduced by the amount so paid, and any amount paid out of the Fund in excess of the amount authorized by this section may be recovered by action brought by the Minister.

Partial
discharge of
judgment
debt

(8) The Minister shall not pay out of the Fund any amount for interest on a judgment or interest on costs.

Interest

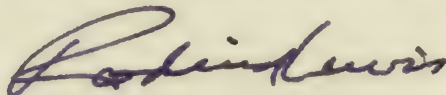
8. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

9. The short title of this Act is the *Motor Vehicle Accident Claims Amendment Act, 1983*.

Short title

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE February 23, 1983



CLERK
LEGISLATIVE ASSEMBLY

Bill 178

*(Chapter 2
Statutes of Ontario, 1983)*

An Act to amend the Pension Benefits Act

The Hon. R. G. Elgie
Minister of Consumer and Commercial Relations

<i>1st Reading</i>	July 7th, 1982
<i>2nd Reading</i>	January 25th, 1983
<i>3rd Reading</i>	January 25th, 1983
<i>Royal Assent</i>	January 27th, 1983

Bill 178

1982

An Act to amend the Pension Benefits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 (1) of the *Pension Benefits Act*, being chapter 373 of the Revised Statutes of Ontario, 1980, is amended by relettering clause (a) as clause (aa) and by adding thereto the following clauses: s. 1 (1),
amended

(a) “assets”, when used in relation to an employer, means assets that in the ordinary course of business would be entered in books of account, whether or not a particular asset is entered in the books of account of the employer;

.

(ab) “current service cost” means the amount of money that the employer of employees, who are members of a pension plan, is required by the plan, this Act and the regulations to pay into the plan in a fiscal year of the plan to cover the cost of benefits accrued during the fiscal year.

2. Subsection 21 (2) of the said Act is repealed and the following substituted therefor: s. 21 (2),
re-enacted

(2) Upon the termination or winding up of a registered pension plan, the employer of employees covered by the pension plan shall pay to the administrator, insurer or trustee of the pension plan, Termination
or
winding up

(a) an amount equal to,

(i) the current service cost, and

(ii) the special payments prescribed by the regulations,

that have accrued to and including the date of the termination or winding up but, under the terms of the pension plan or the regulations, are not due on that date; and

- (b) all other payments that, by the terms of the pension plan or the regulations, are due from the employer to the pension plan but have not been paid at the date of the termination or winding up.

Accrual

(2a) For the purposes of clause (2) (a), the current service cost and special payments shall be deemed to accrue on a daily basis.

s. 23,
re-enacted

3. Section 23 of the said Act is repealed and the following substituted therefor:

Trust money
for employee

23.—(1) Where an employer receives money from an employee under an arrangement that the employer will pay the money into a pension plan as the employee's contribution to the pension plan, the employer shall be deemed to hold the money in trust for the employee until the employer pays the money into the pension plan.

Money
deemed
to be
received

(2) For the purposes of subsection (1), money withheld by an employer, whether by payroll deduction or otherwise, from moneys payable to an employee shall be deemed to be money received by the employer from the employee.

Employee's
lien

(3) The administrator or trustee of the pension plan has a lien and charge upon the assets of the employer in an amount equal to the amount that is deemed to be held in trust under subsection (1).

Trust money
for plan
members

(4) An employer who is required by a pension plan to contribute to the pension plan shall be deemed to hold in trust for the members of the pension plan an amount of money equal to the total of,

- (a) all moneys that the employer is required to pay into the pension plan to meet,
 - (i) the current service cost, and
 - (ii) the special payments prescribed by the regulations,

that are due under the pension plan or the regulations and have not been paid into the pension plan; and

- (b) where the pension plan is terminated or wound up, any other money that the employer is liable to pay under clause 21 (2) (a).

(5) The administrator or trustee of the pension plan has a lien and charge upon the assets of the employer in an amount equal to the amount that is deemed to be held in trust under subsection (4).

Members' lien

(6) Subsections (1) and (4) apply whether or not the moneys mentioned in those subsections are kept separate and apart from other money.

Application of subss. (1, 4)

4.—(1) Clauses 26 (1) (d) and (e) of the said Act are repealed and the following substituted therefor:

s. 26 (1) (d, e), re-enacted

- (d) subject to the regulations, to transfer his pension benefit credit to a pension plan of his new employer if the transfer is accepted by the pension plan of his new employer; or

- (e) subject to the regulations, to transfer his pension benefit credit to a registered retirement savings plan as defined in the *Income Tax Act* (Canada).

R.S.C. 1952, c. 148

(2) Subsection 26 (4) of the said Act is repealed and the following substituted therefor:

s. 26 (4), re-enacted

(4) The administrator of the pension plan that is wound up, in whole or in part, shall give notice to each employee to whom subsection (1) applies that the employee has the right to make an election under subsection (1).

Notice of right to elect

(4a) Where there is no administrator of the pension plan, the employer of an employee to whom subsection (1) applies shall give to the employee the notice mentioned in subsection (4).

Where no administrator

(4b) An employee to whom subsection (1) applies who does not make an election within three months after having been given the notice mentioned in subsection (4) shall be deemed to have elected,

Employee deemed to elect

- (a) under clause (1) (a) to receive an immediate pension benefit; or
- (b) if the employee is not eligible under the pension plan to receive an immediate pension benefit, under clause (1) (b) to receive a pension benefit commencing

ing at whichever age mentioned in the clause comes first.

Deemed
election
final

(4c) An employee who, under subsection (4b), is deemed to have made an election does not have and shall not be deemed to have the right to make any other election under subsection (1).

s. 26 (6),
re-enacted

(3) Subsection 26 (6) of the said Act is repealed and the following substituted therefor:

Notice
period

(6) For the purposes of determining eligibility for and the amount of a pension benefit referred to in subsection (1), the period of time that an employee has been in the service of his employer or has been a member of the pension plan, as the case may be, includes the period of the notice required under Part XII of the *Employment Standards Act* to terminate the employment of the employee.

R.S.O. 1980,
c. 137

Application
of
subs. (6)

(7) Subsection (6) does not apply for the purpose of calculating the amount of a pension benefit of an employee who is required by the pension plan to make contributions to the pension plan and has not done so for the period of the notice required to terminate the employment of the employee under Part XII of the *Employment Standards Act*.

s. 27 (2),
re-enacted

5.—(1) Subsection 27 (2) of the said Act is repealed and the following substituted therefor:

Application
of
subs. (1)

(2) Notwithstanding subsection (1), where a person is receiving payment under a pension plan to satisfy the payment of pension benefits to which the person is entitled, the payment is subject to execution, seizure or attachment in satisfaction of an order for support or maintenance enforceable in Ontario.

Notice of
enforcement

(3) Subsection (2) applies only where the person receiving payment is given ten days notice, or such greater notice as is otherwise required by law in Ontario, as to the enforcement of the order.

Application
of
s. 27 (2)

(2) Subsection 27 (2) of the said Act, as re-enacted by subsection (1) of this section, applies to orders for support or maintenance enforceable in Ontario whether made before or after this section comes into force.

s. 30 (2),
amended

6. Subsection 30 (2) of the said Act is amended by inserting after “in” in the fourth line “this Act and”.

s. 31 (1) (d),
re-enacted

7. Clause 31 (1) (d) of the said Act is repealed and the following substituted therefor:

- (d) the value of the contributions an employee was required to make and has made to the defined benefit pension plan in respect of service in Ontario, to the extent that the value of the contributions exceeds the value of the pension benefit credit of the employee, including the value of the pension benefit of the employee guaranteed under clause (a) or (c), plus the value of any voluntary additional contributions made by the employee to the defined benefit pension plan while the employee was employed in Ontario.

8. Sections 32 and 33 of the said Act are repealed and the following substituted therefor: ss. 32, 33,
re-enacted

32.—(1) The employer of employees who are members of a defined benefit pension plan that the employer is bound by or to which the employer is a party and that is partly or wholly wound up shall pay to the administrator, insurer or trustee of the plan an amount of money equal to the amount by which the value of the pension benefits guaranteed by section 31 plus the value of the pension benefits vested under the defined benefit pension plan exceeds the value of the assets of the plan allocated in accordance with the regulations for payment of pension benefits accrued with respect to service in Ontario. Payment
by employer
to defined
benefit
pension
plan

(2) The amount that the employer is required to pay under subsection (1) is in addition to the amounts that the employer is liable to pay under subsection 21 (2). Payment
additional
to other
amounts

(3) The employer shall pay the amount required under subsection (1) to the administrator, insurer or trustee of the defined benefit pension plan in the manner prescribed by the regulations. Manner of
payment

33.—(1) The Commission has a lien and charge upon the assets of the employer of employees who are members of a defined benefit pension plan in respect of which the Commission pays money out of the Fund. Lien for
payment
out of Fund

(2) The lien and charge under subsection (1) is in an amount equal to the amount of the payment out of the Fund plus interest calculated at the rate and in the manner prescribed by the regulations. Amount
of lien

(3) The lien and charge under subsection (1) does not affect assets that are real property until a notice of the lien and charge that includes a description of the real property is registered in the proper land registry office and the Commission may so register notice of the lien and charge. Notice of
lien

s. 38 (1),
amended

9.—(1) Subsection 38 (1) of the said Act is amended by adding thereto the following clause:

(aa) prescribing any matter referred to in this Act as prescribed by the regulations.

s. 38 (1) (b)
(xiv),
amended

(2) Subclause 38 (1) (b) (xiv) of the said Act is amended by adding at the end thereof “and prescribing conditions to which any such variance shall be subject”.

s. 38 (1),
amended

(3) The said subsection 38 (1) is further amended by adding thereto the following clause:

(ga) where the Minister is satisfied that it is in the best interest of the members of the pension plan and in the public interest, designating employees or pension plans, or any class thereof, that are excepted from the application of any provision of this Act or the regulations.

s. 38a,
enacted

10. The said Act is amended by adding thereto the following section:

Service

38a.—(1) Any notice or other document under this Act or the regulations is sufficiently given, served or delivered if delivered personally or sent by registered mail addressed to the person to whom it is to be given, served or delivered at his last known address.

When service
deemed
made

(2) A notice or other document sent by registered mail in accordance with subsection (1) shall be deemed to be given, served or delivered on the seventh day after the day of mailing, unless the person to whom it is sent establishes that, acting in good faith, he did not receive the notice, order or other document until a later date through absence, accident, illness or other cause beyond his control.

Commence-
ment

11. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

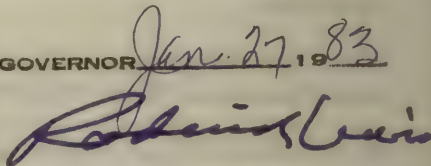
Short title

12. The short title of this Act is the *Pension Benefits Amendment Act, 1983.*

ASSENTED TO BY LIEUTENANT-GOVERNOR

Jan. 27 1983





CLERK
LEGISLATIVE ASSEMBLY

BILL 179

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

Bill

An Act respecting the Restraint of Compensation in the Public
Sector of Ontario and the Monitoring of Inflationary
Conditions in the Economy of the Province

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics

TORONTO

PRINTED BY ALAN GORDON. QUEEN'S PRINTER FOR ONTARIO

BILL 179

1982

**An Act respecting the Restraint of
Compensation in the Public Sector of Ontario
and the Monitoring of Inflationary Conditions
in the Economy of the Province**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Inflation Restraint Board;
- (b) "Minister" means the Minister of Consumer and Commercial Relations;
- (c) "regulations" means the regulations made under this Act;
- (d) "Treasurer" means the Treasurer of Ontario and Minister of Economics.

PART I

INFLATION RESTRAINT BOARD

2.—(1) There is hereby established a board to be known as the Inflation Restraint Board.

Board
established

(2) The Board shall consist of not fewer than three members who shall be appointed by the Lieutenant Governor in Council to hold office for a term to be determined by the Lieutenant Governor in Council.

Composition

(3) The Lieutenant Governor in Council shall designate one of the members as chairman of the Board, and one or more vice-chairmen from among the members of the Board and the chairman shall have responsibility for assigning among the members the matters to be resolved by the Board.

Chairman
and
vice-chairmen

One or more
members may
determine
matter

(4) The chairman may in writing authorize one or more members of the Board to determine any matter to be determined by the Board and for that purpose the member or members may exercise all the jurisdiction and powers of the Board and his or their decision on the matter shall be the decision of the Board and where more than one member is assigned to determine any matter, the decision of the majority of such members is the decision of the Board.

Remuneration
and expenses

(5) Such members of the Board as are not officers in the public service of Ontario shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council and, subject to the approval of Management Board of Cabinet, are entitled to be paid reasonable travel and living expenses incurred by them in the course of their duties under this Act while absent from their ordinary places of residence.

Removal
from office

(6) A member of the Board may be removed by the Lieutenant Governor in Council from office before the expiration of his term, and the Lieutenant Governor in Council may appoint any person in his stead for the remainder of the term.

Board may
make rules

3.—(1) The Board may make rules for the conduct and management of its affairs and for the practice and procedure to be observed in matters coming before it, and may require that any person seeking a determination by the Board of any matter shall give written notice, in such form and manner as the Board specifies, to such others as the Board specifies.

Services of
ministries,
boards, etc.

(2) In exercising its powers under this Act, the Board shall, where appropriate, make use of the services and facilities of any ministry, board, commission or agency of the Government of Ontario.

Staff

(3) The Board may, subject to the approval of Management Board of Cabinet, use the services of staff seconded to the Board from the public service of Ontario or engage under contract such persons as are considered necessary from time to time for the proper conduct of the affairs of the Board.

Hearings

(4) The Board may, in its discretion where it considers it desirable to do so, hold an oral hearing and where the Board does so, the *Statutory Powers Procedure Act* applies, except that, whether or not the Board holds an oral hearing, the Board is not required to give reasons for any final order, decision or determination made by it, but notwithstanding the *Statutory Powers Procedure Act* or any other rule of law, the Board is not required to hold any oral hearing before making any order, decision or determination that it is authorized to make.

R.S.O. 1980,
c. 484

(5) No action for damages lies against any member or any employee of the Board for, No action for damages

(a) any act done in good faith in the performance or exercise of a power or duty; or

(b) any neglect or default in the performance or exercise in good faith of that power or duty under this Act.

(6) Subsection (5) does not by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort to which it would otherwise be subject, and the Crown is liable under that Act for any tort in a like manner as if subsection (5) had not been enacted. Crown not relieved of liability R.S.O. 1980, c. 393

PART II

PUBLIC SECTOR COMPENSATION RESTRAINT

4. In this Part,

Interpretation

(a) “administrator”, in relation to a compensation plan, means,

(i) where the compensation plan is administered by an employer, the employer,

(ii) where the compensation plan is administered by a person other than an employer, that person, and

(iii) where the administrator is not readily determinable under subclause (i) or (ii), the person, association or entity determined by the Board to be the administrator;

(b) “anniversary date” means the anniversary of the stated effective date of a compensation plan or, where the plan has no stated effective date, the date as determined by the Board;

(c) “collective agreement” means a collective agreement as defined in the *Labour Relations Act*, an agreement referred to in subsection 5 (1) of the *Fire Departments Act* or subsection 29 (2) of the *Police Act*, a decision resulting from arbitration that, by operation of law or agreement, governs working conditions or terms of compensation, and any agreement between a unit of employees established for collective bargaining and an employer or person in the position of an employer for defining, determining or providing for working conditions or terms of compensation; R.S.O. 1980, cc. 228, 164, 381

- (d) "compensation" means all forms of payment, benefits and perquisites paid or provided, directly or indirectly, to or for the benefit of a person who performs duties and functions that entitle that person to be paid a fixed or ascertainable amount;
- (e) "compensation plan" means the provisions, however established, for the determination and administration of compensation, and includes such provisions contained in collective agreements or established bilaterally between an administrator and an employee, unilaterally by an administrator or by or pursuant to any Act of the Legislature;
- (f) "compensation rates" means single rates of remuneration or ranges of rates of remuneration, including cost-of-living adjustments, or, where no such rates or ranges exist, any fixed or ascertainable amounts of remuneration;
- (g) "employee" means any person who performs duties and functions that entitle that person to a fixed or ascertainable amount or rate of remuneration;
- (h) "full-time employee" means an employee whose regular work week exceeds thirty hours;
- (i) "municipality" means a county, city, town, village and township and includes a metropolitan, regional or district municipality.

Deemed
expiry
date

R.S.O. 1980,
c. 308

5.—(1) Notwithstanding subsection 8 (3), a compensation plan in respect of those persons mentioned in clause 6 (5) (b) who are elected to office in accordance with the *Municipal Elections Act* and of those persons mentioned in clauses 6 (5) (a) and (c) shall be deemed to expire on the 30th day of November, 1982.

Idem

(2) Notwithstanding subsection 8 (3), the compensation plan of members of the Assembly shall be deemed to expire on the 31st day of March, 1983.

Application

6.—(1) This Part applies to the compensation plans of employees employed in or by,

- (a) the Crown in right of Ontario, every agency thereof, and every authority, board, commission, corporation, office or organization of persons a majority of whose directors, members or officers are appointed or chosen by or under the authority of the Lieutenant Governor in Council or a member of the Executive Council;

- (b) the corporation of every municipality in Ontario, every local board as defined by the *Municipal Affairs Act*, and every authority, board, commission, corporation, office or organization of persons whose members or officers are appointed or chosen by or under the authority of the council of the corporation of a municipality in Ontario; R.S.O. 1980.
c. 303
- (c) every board as defined in the *Education Act*, and every college, university or post-secondary school educational institution in Ontario the majority of the capital or annual operating funds of which are received from the Crown; R.S.O. 1980.
c. 129
- (d) every hospital listed in the Schedule to Regulation 863 of Revised Regulations of Ontario, 1980 made under the *Public Hospitals Act*, every private hospital operated under the authority of a licence issued under the *Private Hospitals Act*, every hospital established or approved by the Lieutenant Governor in Council as a community psychiatric hospital under the *Community Psychiatric Hospitals Act* and every sanitarium licensed by the Lieutenant Governor in Council under the *Private Sanitaria Act*; R.S.O. 1980.
cc. 410, 389,
79, 391
- (e) every corporation with share capital, 90 per cent of the issued shares of which are beneficially held by or for an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;
- (f) every corporation without share capital, the majority of whose members or officers are members of, or are appointed or chosen by or under the authority of an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;
- (g) every local board of health of a municipality or of a health unit under the *Public Health Act*, and every board of health under an Act of the Legislature that establishes or continues a regional municipality; R.S.O. 1980.
c. 409
- (h) the Office of the Lieutenant Governor of Ontario, the Office of the Assembly, members of the Legislature of Ontario, the Office of the Ombudsman and the Provincial Auditor; and
- (i) any authority, board, commission, corporation, office, person or organization of persons, or any class of authorities, boards, commissions, corporations, offices, persons or organizations of persons, set out in the

Schedule hereto or added to the Schedule by the regulations.

Idem (2) This Part applies to the compensation plans of members and directors of corporations and boards described in clauses (1) (a), (b), (c), (d), (e), (f), (g) and (i) or of wholly-owned subsidiaries of such corporations.

Idem (3) This Part applies to the compensation plans of persons appointed by the Lieutenant Governor in Council to a position in the public service of Ontario, to a board, commission or corporation described in subsection (1) or to a wholly-owned subsidiary of such corporation, and to the compensation plans of judges as defined in the *Provincial Courts Act* and of small claims court judges appointed under the *Small Claims Courts Act*.

R.S.O. 1980,
cc. 398, 476

Idem (4) This Part applies to the compensation plans of members of the Assembly.

Idem (5) This Part applies to the compensation plans of members of,

(a) the councils of every municipality;

R.S.O. 1980,
c. 303

(b) every local board as defined in the *Municipal Affairs Act*;

R.S.O. 1980,
c. 129

(c) every board as defined in the *Education Act*.

Binding on
Her Majesty

7. This Act is binding on Her Majesty in right of Ontario.

Continuation
of
existing
compensation
plans
1981, c. 53;
R.S.O. 1980,
c. 137

8.—(1) Notwithstanding any other Act, except the *Human Rights Code, 1981*, and section 33 of the *Employment Standards Act*, every compensation plan that is in effect on the 21st day of September, 1982, shall be continued without change to and including its scheduled expiry date.

Where prior
agreement to
establish plan

(2) Where a compensation plan that is included in a collective agreement would have expired before the 1st day of October, 1982, and the parties to the collective agreement have, prior to the 22nd day of September, 1982, reached an agreement in writing on all the terms of the compensation plan to be established as of the expiry of the previous compensation plan, and the plan so agreed on is established and goes into effect on or after the 21st day of September, 1982 without change, the compensation plan so agreed on shall, for the purposes of subsection (1) and sections 9 and 11, be deemed to be in effect on the 21st day of September, 1982.

(3) Except as extended or made subject to this Part by sections 9 and 11, and for the purpose only of this Part, every compensation plan to which this Part applies, Deemed expiry

- (a) that, by the law applicable thereto or by the terms of the agreement that gave effect to the plan, is to be effective for a minimum period of time, is deemed to expire at the end of that minimum period of time, notwithstanding that, under such law or agreement, the plan might be continued beyond that time;
- (b) that is a compensation plan to which clause (a) does not apply and in which there is a usual or customary period of time (not exceeding one year in length) for which terms and conditions of compensation are applicable, is deemed to expire at the end of that usual or customary period of time that includes the 21st day of September, 1982; or
- (c) to which neither clause (a) nor (b) applies, is deemed to expire on the day determined by the Board as the expiry date of the plan.

(4) Where a compensation plan to which this Part applies and to which subsection (1) or (2) is also applicable, provides for any increase in the value of compensation in the twelve-month period referred to in clause 11 (b), such increase in value shall not take effect or come into force in that twelve-month period, but nothing in this subsection prevents an application's being brought under section 14 in respect of a change to the terms and conditions of the compensation plan equivalent to an increase in compensation rates to take effect in that twelve-month period. Increases in compensation

9. Every compensation plan that, but for this section, would have expired before the 1st day of October, 1982, shall be extended, Extension of compensation plan already expired

- (a) where the compensation plan would have expired on or after the 1st day of October, 1981, for the twelve-month period immediately following the day the plan would have expired; and
- (b) where the compensation plan would have expired before the 1st day of October, 1981, for the period commencing with the day immediately following the day the plan would have expired and ending with the day immediately preceding the plan's anniversary date next following the 1st day of October, 1982.

Increase in
compensation
rates under
extended plan

10. A compensation plan that is extended under section 9 shall be deemed to include a provision to the effect that compensation rates in effect under the plan on the day that, but for section 9, the plan would have expired shall be increased,

- (a) in the case of a compensation plan referred to in clause 9 (a), for the twelve-month period referred to in that clause, by not more than 9 per cent; and
- (b) in the case of a compensation plan referred to in clause 9 (b),
 - (i) for that part of the period referred to in that clause and prior to the first day of the last twelve months of that period, by such amount as the Board, in its discretion, may authorize, and
 - (ii) for the last twelve months of the period referred to in that clause, by not more than 9 per cent.

Extension
of existing
compensation
plans

11. Every compensation plan that is in effect on the 21st day of September, 1982, to which this Part applies and that expires on or after the 1st day of October, 1982, including every compensation plan extended under section 9, shall,

- (a) where the expiry date is scheduled to occur on or after the 1st day of October, 1982 and prior to the 1st day of October, 1983, be extended for the twelve-month period immediately following the scheduled expiry date; and
- (b) where the expiry date is scheduled to occur on or after the 1st day of October, 1983, be subject to this Part for the twelve-month period commencing with the plan's anniversary date falling within the period beginning with the 2nd day of October, 1982 and ending with the 1st day of October, 1983.

Increase in
compensation
rates under
extended plan

12.—(1) Notwithstanding any other Act, every compensation plan to which this Part applies shall be deemed to include a provision to the effect that compensation rates in effect under the plan on the first to occur of either,

- (a) the day that, but for section 11, the plan would expire; or
- (b) the day immediately preceding the plan's anniversary date referred to in clause 11 (b),

shall be increased for the twelve-month period immediately following the day determined in accordance with clauses (a) and (b),

(c) in the case of a compensation plan included in a collective agreement, by 5 per cent; and

(d) in any other case, by not more than 5 per cent.

(2) Notwithstanding any other Act or section 10 and subsection (1) of this section, where a person receives an increase referred to in the said subsection (1), in clause 10 (a) or in subclause 10 (b) (ii) that will, during the applicable period referred to in those provisions, amount to less than \$1,000 for any full-time employee, the administrator of the compensation plan of which such full-time employee is a member may, in his discretion, pay to such full-time employee additional compensation in that period equal to the difference between \$1,000 and the total amount of the increase in that period of such employee's compensation in accordance with this Part other than this subsection, and,

\$1,000
minimum
increase

(a) where a person who is not a full-time employee is performing substantially the same kind of work as a full-time employee and does so for an employer who has granted to his full-time employees performing that kind of work an increase in accordance with this subsection, the administrator of the compensation plan of which such person is a member may, in his discretion, pay to such person in that period additional compensation necessary to provide that, after taking the increase allowed by this subsection into account, the ratio of the compensation rate of the full-time employee to whom an increase under this subsection is paid to the compensation rate of the person to whom an increase under this subsection is paid is the same as the ratio of their compensation rates immediately before the commencement of the applicable period; and

(b) where a person is neither a full-time employee nor a person to whom clause (a) applies, the administrator of the compensation plan of which the person is a member may, in his discretion, pay to the person in the applicable period additional compensation necessary to provide that the increase in compensation received by the person in that period under this Part, including this subsection, is the same percentage of \$1,000 that the hours worked in that period by the person is of 2,000 hours,

provided that no increase under this subsection shall be paid to the extent that the total amount of such increase during the applicable period, when added to the total amount in that period of the increase referred to in section 10 and in the provisions of this section other than this subsection, exceeds \$1,000.

\$750 minimum
increase

(3) Notwithstanding subsection (2), the increase that any person may receive under that subsection shall not be less than the increase that would be payable to him under that subsection if it were enacted herein,

(a) with the sum of \$750 substituted in every case where \$1,000 is mentioned; and

(b) with the word "shall" substituted in every case where the expression "may, in his discretion," is mentioned,

but this subsection does not prevent the granting of an increase or the exercise of discretion under subsection (2) where the increase that could be given under that subsection is greater than the increase required to be given in accordance with this subsection.

Exception

(4) Subsections (2) and (3) do not apply in respect of a person whose annual compensation rate exceeds \$20,000.

Merit
increases
restricted

(5) During the period commencing with the 21st day of September, 1982 and ending with the expiry of the twelve-month period referred to in subsection (1), no increase in compensation, for or in recognition of,

(a) meritorious or satisfactory work performance;

(b) the completion of a specified period of work experience;

(c) the successful completion of a program or course of professional or technical education;

(d) regularly scheduled increments in remuneration; or

(e) length of time in employment,

may be paid to or received by a person who is a member of a compensation plan to which this Part applies to the extent that such increase would, at the time the person becomes entitled to it, increase his or her annual compensation above \$35,000, but nothing in this subsection prevents increases in compensation as a result of the proper promotion of a person to a different or more responsible position, the compensation plan for which was established,

- (f) before the 21st day of September, 1982; or
- (g) with the approval of the Board; or
- (h) after the usual and proper evaluation of the compensation applicable to that position.

13. Notwithstanding any other Act except the *Human Rights Code, 1981* and section 33 of the *Employment Standards Act*, but subject to section 14, the terms and conditions of,

Terms and conditions continued in force
1981, c. 53
R.S.O. 1980, c. 137

- (a) every compensation plan that is extended or made subject to this Part under section 9 or 11; and
- (b) every collective agreement that includes such a compensation plan,

shall, subject to this Part, continue in force without change for the period for which the compensation plan is extended or made subject to this Part.

14.—(1) Where the parties to a collective agreement,

Disputed matters

- (a) cannot agree on the amount of the increase in compensation rates to which members of the compensation plan included in the collective agreement are entitled under clause 10 (a) or subclause 10 (b) (ii);
- (b) cannot agree on the value to be placed on a proposed change to any terms and conditions of the compensation plan equivalent to an increase in compensation rates, but are agreed on all other aspects of the proposed change; or
- (c) have agreed on all aspects of a proposed change to the terms and conditions of the compensation plan equivalent to an increase in compensation rates, including the value thereof,

either party may apply to the Board in accordance with such procedure as the Board specifies to have the disputed matters resolved or, in the case of a proposed change referred to in clause (c), to have the proposed change reviewed by the Board, and the Board shall, in accordance with this Act and in its discretion, determine, as the case requires, the amount of the increase in compensation rates to which the members of the compensation plan are entitled or the value to be placed on a proposed change referred to in clause (b) or (c), provided that,

- (d) for the period referred to in clause 10 (a) or subclause 10 (b) (ii), such increase, or the value of such proposed change, does not constitute an increase that is, or that is equivalent to, more than the increase referred to in those provisions; and
- (e) for the period referred to in subsection 12 (1), the value of such proposed change does not constitute an increase that is equivalent to more than the increase permitted under section 12.

Proposed
changes
to be
approved

(2) Where the administrator of a compensation plan that is not included in a collective agreement proposes to change any terms and conditions of the plan, and the change, if made, would be equivalent to an increase in compensation rates under the plan, the administrator shall, before the proposed change may be implemented, apply to the Board in accordance with such procedure as the Board specifies to have the proposed change reviewed, and the Board may, in accordance with this Part and in its discretion, determine the value to be placed on the proposed change and approve, reject or vary the terms thereof as it sees fit, provided that, for the period for which the proposed change (as approved or varied by the Board) is to be effective, the value thereof, together with any other increases in the period in accordance with this Part, does not constitute an increase equivalent to more than an increase authorized by this Part for the period, and the proposed change, as approved or varied by the Board, may be implemented.

Board may
review
decision
under
s. 12 (2)

(3) The failure of the administrator of a compensation plan to exercise, or to exercise fully, the discretion conferred on him by subsection 12 (2) and in accordance with subsection 12 (3) is, on the application to the Board of a party affected thereby, reviewable by the Board, and the Board may, in accordance with those subsections, make any decision that the administrator could or should have made, and its decision shall be implemented by the administrator.

Amendment
of terms and
conditions

15. The parties to a collective agreement that includes a compensation plan that is extended under section 11 may, by agreement, amend any terms and conditions of the collective agreement other than compensation rates or other terms and conditions of the compensation plan.

Where
provision of
compensation
plan of no
effect

16. Notwithstanding any other Act or any agreement, any provision of a compensation plan to which this Part applies that provides for an increase in compensation rates in excess of the limits set out in this Part on or after the 21st day of September, 1982 shall be of no effect.

17.—(1) The Board has such powers and shall perform such duties and functions in relation to this Part as are necessary to enable it to determine whether a compensation plan to which this Part applies complies with this Part. Powers and duties of Board

(2) Notwithstanding any other Act, the Board may in writing require from an administrator of a compensation plan to which this Part applies, or from any other person in possession of information that in the opinion of the Board is or may be relevant to the compensation plan and the administrator or person shall provide, within such reasonable time as is specified by the Board, such information and documentation as the Board reasonably considers necessary to enable it to make a determination as to whether or not the compensation plan complies with this Part. Information to be provided

(3) Any administrator or person who fails without reasonable excuse to comply with subsection (2) is guilty of an offence. Offence

(4) The Board may receive and accept any evidence and information on oath, affidavit or otherwise as in its discretion it considers proper, whether or not it is admissible as evidence in a court. Evidence

(5) The Board may recommend to the Lieutenant Governor in Council that any or all of the members of any compensation plan to which this Part applies be no longer subject to the application of this Part where, in the opinion of the Board, there exist special circumstances justifying that recommendation and the special circumstances on which the Board relies shall be set out in its recommendation. Recommendation by the Board

18. The Board has in the exercise of any of its authority under this Part the powers of a commission under Part II of the *Public Inquiries Act*. Application R.S.O. 1980, c. 411, Pt. II

19. A provision of a compensation plan, to which this Part applies, entered into or established at any time, is of no force or effect to the extent that it provides for an increase in compensation rates that would bring compensation rates to a level that they would, but for this Act, have reached. Provisions of compensation plans that are of no force or effect

20. Where the Board determines that a compensation plan does not comply with this Part the Board shall, Where compensation plan does not comply

- (a) notify in writing the administrator of the compensation plan and any other person the Board considers appropriate that the plan does not comply;

- (b) notify in writing the administrator of the compensation plan and any other person the Board considers appropriate of the maximum allowable increase in compensation that the Board considers would so comply;
- (c) give such directions to the administrator as the Board considers necessary to ensure the distribution to the persons whose compensation plan is found not to comply of the information given to the administrator by the Board under clauses (a) and (b); and;
- (d) provide the parties to the compensation plan with an opportunity to reach or establish a plan that complies with this Part.

Order of
the Board

21.—(1) Notwithstanding section 20, where the Board determines that a compensation plan does not comply with this Part, and that the administrator of the compensation plan is implementing, has implemented or is likely to implement an increase in compensation in a compensation plan that does not comply with this Part, the Board may make an order,

- (a) prohibiting, in the manner it specifies, the administrator from implementing the increases in compensation that do not comply with this Part;
- (b) requiring a recipient of compensation under the compensation plan to pay back to the administrator or to pay to the Treasurer any increase in compensation that does not comply with this Part;
- (c) requiring the administrator to withhold, in the manner and at the time specified by the Board, from future compensation the amount of any increase in compensation that has been received by a member of the compensation plan in excess of the increase permitted under this Part, and the Board may require any amount so withheld to be paid to the Treasurer.

Notice to
administrator

(2) The Board shall, in writing, notify an administrator of a compensation plan affected by an order made under this section.

Notice to
persons
affected

(3) On the order of the Board, an administrator shall, in writing, notify the persons whose compensation plan is affected by an order made under this section.

Inspection
of order

(4) An order of the Board is a public document and shall be made available for inspection at the office of the Board during normal business hours.

22.—(1) Notwithstanding section 21, where the Board has ^{Agreements} determined that a compensation plan does not comply with this Part, the Board may enter into a written agreement with the administrator that the Board will not,

(a) make an order under subsection 21 (1); or

(b) where it has already made an order under subsection 21 (1), file the order with the court under section 24,

so long as the administrator complies with any conditions established by the Board.

(2) Where the Board has determined that the administrator is ^{Where administrator in breach of conditions} in breach of any of the conditions established by the Board in an agreement under subsection (1),

(a) the Board shall notify the administrator in writing;

(b) the agreement is rescinded; and

(c) the Board may exercise any of its powers under this Part.

(3) An agreement under subsection (1) is a public document ^{Inspection of agreement} and shall be made available for inspection at the office of the Board during normal business hours.

23.—(1) The Board may reconsider and revoke, in whole or ^{Revocation, amendment, etc., of order or decision} in part, amend or vary a decision or order it has made.

(2) The Board may impose any conditions it considers necessary ^{Conditions} in respect of any decision or order made by it.

24.—(1) A copy of an order of the Board, certified by a member of the Board, may be filed in the office of the Registrar of the Supreme Court by the Board and, if it is for the payment of money, it may be enforced at the instance of the Board in the name of the Board in the same manner as a judgment of that court, and in all other cases by an application by the Board to the court for such order as the court may consider just. ^{Enforcement of order}

(2) Where the Board makes an order rescinding or varying an order previously made by it that has been filed under subsection (1), ^{Where order varied or rescinded}

(a) if the order rescinds the order previously made, the order previously made ceases to have effect for the purposes of subsection (1); or

- (b) if the order varies the order previously made, the order previously made as so varied may be enforced in a like manner as an order filed under subsection (1).

Regulations

25.—(1) The Lieutenant Governor in Council may make regulations,

- (a) designating any compensation plan or class thereof to which this Part applies and the date as of which this Part shall be applicable thereto, and where necessary, prescribing the manner in which this Part shall be applied;
- (b) terminating in whole or in part the application of this Part in respect of a compensation plan or compensation plans to which this Part applies;
- (c) where it is considered necessary for the restraint of public sector expenditure, adding to or deleting from the Schedule any person or any class of persons, or any agency, authority, board, commission, corporation or organization of any kind;
- (d) further defining the expression “compensation plan” or prescribing the person or class of persons whose method of compensation shall be deemed to be a compensation plan for the purposes of this Act;
- (e) further defining the expression “compensation” or prescribing amounts or benefits, or classes of amounts or benefits, which shall be deemed to be compensation for the purposes of this Act;
- (f) defining any word or expression not already expressly defined in this Act.

Retroactivity

(2) A regulation made under subsection (1) may, if it so provides, be made retroactive in its operation to a day not earlier than the 21st day of September, 1982.

PART III

ADMINISTERED PRICES

Interpretation

26. In this Part,

- (a) “administered price” means,

- (i) a price, user charge or fee charged by a public agency, and
 - (ii) a price, user charge or fee required, permitted or authorized by a public regulatory agency to be charged by another person;
- (b) "price increase" means an increase or a proposed increase in an administered price;
- (c) "public agency" means an agency, board, commission or corporation, including any wholly-owned subsidiary corporation, established or controlled by the Crown in right of Ontario, which provides any product or service for which a price, user charge or fee is charged;
- (d) "public regulatory agency" means any ministry, agency, board, commission or corporation established or controlled by the Crown in right of Ontario which approves, establishes, regulates or requires particular prices, user charges or fees to be charged for any product or service.

27.—(1) The Minister shall establish economic criteria by which price increases shall be reviewed. Minister to establish economic criteria

(2) Where the Minister is of the opinion that a price increase may not conform with the criteria, he may refer the price increase to the Board for investigation where the price increase occurs on or after the 21st day of September, 1982 and before the later of, Reference to Board for investigation

(a) the 1st day of January, 1984; and

(b) in the case of a public agency or a person regulated by a public regulatory agency that has implemented a price increase on or after the 21st day of September, 1982 and prior to the 1st day of January, 1984, the day one year from the last such increase.

(3) Where a price increase is referred to the Board by the Minister, the Board shall, Powers and duties of the Board

- (a) investigate and report on the price increase and determine whether it conforms with the criteria;
- (b) where requested by the Minister, determine, or request the public agency or public regulatory agency concerned to determine, the maximum price increase which would so conform; and

- (c) report to the Minister the result of its investigation and determination under clauses (a) and (b).

Recommendations to
L.G. in C.

28. The Minister shall review a report of the Board made under clause 27 (3) (c) and make recommendations to the Lieutenant Governor in Council with respect to the price increase.

Order of
L. G. in C.

29.—(1) Notwithstanding any other Act, the Lieutenant Governor in Council on the recommendation of the Minister may by order,

- (a) disallow a price increase in whole or in part;
- (b) where appropriate, substitute a price increase for the price increase disallowed under clause (a);
- (c) delay the effective date of a price increase;
- (d) impose conditions on a public agency or other person with regard to the implementation of a price increase; or
- (e) exercise any combination of the powers in clauses (a), (b), (c) and (d).

Where order
may be made

(2) No order shall be made under subsection (1) except with regard to a price increase occurring within the period referred to in subsection 27 (2).

Implement-
ation of
order

(3) Notwithstanding any other Act or regulation made thereunder, an order made under subsection (1) shall be implemented in accordance with its terms by the public agency, public regulatory agency or other person affected thereby.

Information

30.—(1) For the purpose of carrying out its duties under section 27, the Board may by notice require public agencies, public regulatory agencies and persons whose prices are regulated by public regulatory agencies to file with the Board such reasonably necessary information concerning administered prices as is specified in the notice and that is in their possession or to which they may reasonably be expected to have access.

Compliance
with notice

(2) Every public agency, public regulatory agency or person to whom a notice referred to in subsection (1) is directed or sent shall comply therewith within such reasonable time as is specified in the notice and thereafter at such regular intervals, if any, as are specified in the notice.

(3) Notwithstanding subsection (2), the Board may, on request in writing from any agency or person to whom a notice referred to in subsection (1) is directed or sent, extend any time within which or any interval at which the agency or person is required to comply with the notice. Extension of time for compliance

31.—(1) Except as provided in this section, all information with respect to administered prices that is, in its nature, confidential and that is obtained by the Board or by any person engaged in carrying out duties of the Board under this Part, in the course of carrying out those duties, is privileged and no person shall knowingly, except as expressly provided in this or any other Act, communicate or allow to be communicated to any person any such information except for the purposes of the administration of this Part or allow any person to inspect or have access to any such information except for the purposes of the administration or enforcement of this part. Confidentiality of information

(2) Any information with respect to an administered price obtained by the Board or by any person engaged in carrying out the duties of the Board in the course of carrying out those duties, may, on request in writing to the chairman of the Board by or on behalf of the agency or person to which the information relates, be communicated to any person or authority named in the request on such terms and conditions and under such circumstances as are approved by the chairman of the Board. Disclosure of information, where permitted

(3) Notwithstanding any other Act or law, no minister of the Crown and no person employed in the administration of this Act shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection (1) or to produce any statement or other writing containing such information. Evidence

(4) Subsections (1) and (3) do not apply in respect of matters being considered by the Board under this Part or to any proceedings in a court of law relating to the administration of this Part. Exception

(5) Any person who knowingly communicates or allows to be communicated any information in contravention of subsection (1) is guilty of an offence. Offence

32. The Lieutenant Governor in Council may make regulations further defining the terms “public agency” and “public regulatory agency”. Regulations

PART IV

PRIVATE SECTOR MONITORING

Powers and
duties**33.** The Board shall,

- (a) monitor the pattern of changes in prices and wages in the private sector of the economy of Ontario generally and report its findings to the Minister from time to time as required by the Minister; and
- (b) through such methods as it considers appropriate, promote public understanding of the inflationary process, and the relationships between productivity, costs and prices.

PART V

GENERAL

Moneys

34. The moneys required for the purposes of this Act shall, until the 31st day of March, 1983, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Annual
reports

35. The Board shall make an annual report of its activities under Part II to the Treasurer and an annual report of its activities under Parts III and IV to the Minister, and the Treasurer and the Minister shall table the respective reports before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-
ment

36. This Act shall be deemed to have come into force on the 21st day of September, 1982.

Short title

37. The short title of this Act is the *Inflation Restraint Act*, 1982.

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 15 1982

Rodney Lewis

CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE

MINISTRY OF CITIZENSHIP AND CULTURE

1. The Art Gallery of Ontario
2. CJRT-FM Inc.
3. Royal Botanical Gardens

MINISTRY OF COMMUNITY AND SOCIAL SERVICES

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides:
 - (a) observation and detention homes operating under sections 27, 28, 29 and 30 of the *Provincial Courts Act* (R.S.O. 1980, c. 398);
 - (b) homes for the aged operating under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203);
 - (c) counselling services, special assistance and staff training services purchased by municipalities under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188);
 - (d) counselling services purchased by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);
 - (e) home support services for the elderly funded by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);
 - (f) hostels providing services purchased by municipalities under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188);
 - (g) work activity projects under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188) purchased by municipalities or the Ministry of Community and Social Services;
 - (h) support services to the physically handicapped purchased by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);
 - (i) vocational rehabilitation services funded by the Ministry of Community and Social Services under the *Vocational Rehabilitation Services Act* (R.S.O. 1980, c. 525);
 - (j) satellite homes operating or funded under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203);
 - (k) services purchased or funded under the *Homemakers and Nurses Services Act* (R.S.O. 1980, c. 200);
 - (l) workshops under the *Vocational Rehabilitation Services Act* (R.S.O. 1980, c. 525);
 - (m) approved children's institutions under the *Children's Institutions Act* (R.S.O. 1980, c. 67);

- (n) approved children's mental health centres under the *Children's Mental Health Services Act* (R.S.O. 1980, c. 69);
 - (o) services to children purchased by the Ministry of Community and Social Services under the *Children's Mental Health Services Act* (R.S.O. 1980, c. 69, s. 11);
 - (p) services funded under the *Developmental Services Act* (R.S.O. 1980, c. 118);
 - (q) homes for retarded persons approved under the *Homes for Retarded Persons Act* (R.S.O. 1980, c. 201);
 - (r) day nurseries operated by corporations or municipalities under the *Day Nurseries Act* (R.S.O. 1980, c. 111) receiving direct subsidies from the Ministry of Community and Social Services;
 - (s) day nurseries and private home day-care agencies providing services and funded under agreements with municipalities under the *Day Nurseries Act* (R.S.O. 1980, c. 111);
 - (t) training schools and group homes providing services under the *Training Schools Act* (R.S.O. 1980, c. 508);
 - (u) credit counselling services receiving financial assistance under agreements with the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);
 - (v) probation and after-care services, residential services and supervisory services to children on probation under agreement with the Ministry of Community and Social Services under the *Children's Probation Act* (R.S.O. 1980, c. 70) or under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);
2. Children's aid societies operating under the *Child Welfare Act* (R.S.O. 1980, c. 66) and agencies from whom children's aid societies purchase child care services.
 3. Corporations operating charitable institutions approved under the *Charitable Institutions Act* (R.S.O. 1980, c. 64).
 4. Boards of management operating under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203).
 5. District Welfare Administration Boards operating under the *District Welfare Administration Boards Act* (R.S.O. 1980, c. 122).

MINISTRY OF CORRECTIONAL SERVICES

1. Any agency, board, commission, person or partnership that provides, under funding by the Ministry of Correctional Services,
 - (a) assistance to witnesses and victims of crime, or other disabled groups;
 - (b) educational, employment search, medical or promotional services;
 - (c) supervision of inmates, parolees, probationers or persons accused of crime;
 - (d) community residential services.

MINISTRY OF HEALTH

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides:

- (a) an ambulance service, under the authority of a licence issued under the *Ambulance Act* (R.S.O. 1980, c. 20);
- (b) a nursing home, under the authority of a licence issued under the *Nursing Homes Act* (R.S.O. 1980, c. 320);
- (c) a laboratory or a specimen collection centre, under the authority of a licence issued under the *Public Health Act* (R.S.O. 1980, c. 409);
- (d) a psychiatric facility within the meaning of the *Mental Health Act* (R.S.O. 1980, c. 262), the operation of which is funded in whole or in part by the Minister of Health;
- (e) a home for special care established, approved or licensed under the *Homes for Special Care Act* (R.S.O. 1980, c. 202);
- (f) a home care facility within the meaning of Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197) or which, by arrangement with any such home care facility,
 - (i) supplies homemaking, nursing, physiotherapy, occupational therapy or speech therapy services which are insured home care services under section 44 of Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197), and
 - (ii) is entitled to payment from the home care facility for or in respect of supplying such services;
- (g) a rehabilitation centre or a crippled children's centre listed in Schedule 10 to Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197);
- (h) a detoxification centre the operation of which is funded in whole or in part by the Minister of Health;
- (i) an adult community mental health service the operation of which is, pursuant to an agreement in writing, funded in whole or in part by the Minister of Health;
- (j) a placement service the operation of which is, pursuant to a "Placement Co-ordination Service Agreement" or other agreement in writing, funded in whole or in part by the Minister of Health.

2. A district health council appointed under the *Ministry of Health Act* (R.S.O. 1980, c. 280).

- 3. (a) Booth Avenue Hospital Laundry, Inc.;
- (b) Centennial Hospital Linen Services;
- (c) Cornwall Regional Hospital Linen Services;
- (d) Kawartha Hospital Linen Services;

- (e) Kingston Regional Hospital Laundry Inc.;
 - (f) London Hospital Linen Services, Inc.;
 - (g) Mohawk Hospital Linen Services;
 - (h) Nipissing Area Joint Hospitals Laundry, Inc.;
 - (i) Ottawa Regional Linen Services, Inc.;
 - (j) Sudbury Hospital Services;
 - (k) Windsor Hospital Linen Services, Inc.
4. Ottawa-Carleton Regional Hospital Food Services Inc.
 5. Toronto Hospitals Steam Corporation
 6. The Alcoholism and Drug Addiction Research Foundation
 7. The Canadian Red Cross Society
 8. The Hospital Council of Metropolitan Toronto
 9. The Hospital Medical Records Institute
 10. The Ontario Cancer Institute
 11. The Ontario Cancer Treatment and Research Foundation
 12. The Ontario Mental Health Foundation
 13. The Ontario Council of Health
 14. The Toronto Institute of Medical Technology

MINISTRY OF INDUSTRY AND TRADE

1. Metropolitan Toronto Convention Centre

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides:
 - (a) The collection, removal and disposal of garbage and other refuse for a municipality;
 - (b) The operation and maintenance of buses, for the conveyance of passengers under an agreement with a municipality.
2. Exhibition Stadium Corporation

MINISTRY OF NATURAL RESOURCES

1. Conservation Authorities established under the *Conservation Authorities Act* (R.S.O. 1980, c. 85).

MINISTRY OF TOURISM AND RECREATION

1. St. Clair Parkway Commission

MINISTRY OF TREASURY AND ECONOMICS

1. Ontario Municipal Employees Retirement Board

An Act respecting the Restraint of
Compensation in the Public Sector of
Ontario and the Monitoring of Inflationary
Conditions in the Economy of the Province

1st Reading

September 21st, 1982

2nd Reading

October 19th, 1982

3rd Reading

December 15th, 1982

THE HON. F. S. MILLER
Treasurer of Ontario and
Minister of Economics

Bill 183

*(Chapter 3
Statutes of Ontario, 1983)*

An Act to amend the Judicature Act

The Hon. R. McMurtry
Attorney General

<i>1st Reading</i>	October 29th, 1982
<i>2nd Reading</i>	January 25th, 1983
<i>3rd Reading</i>	January 25th, 1983
<i>Royal Assent</i>	January 27th, 1983

Bill 183

1982

An Act to amend the Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 130 (3) of the *Judicature Act*, being chapter 223 of the Revised Statutes of Ontario, 1980, is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause “b” and by adding thereto the following clause:

s. 130 (3),
amended

(c) courts sitting in any designated place,

(2) Subsection 130 (8) of the said Act is amended by striking out “in a designated county or district” in the second line and inserting in lieu thereof “that is a designated court”.

s. 130 (8),
amended

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Judicature Amendment Act, 1983*.

Short title

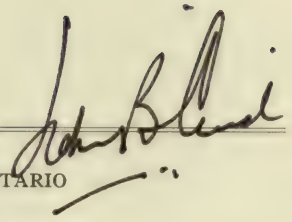
ASSENTED TO BY LIEUTENANT-GOVERNOR

Jan 27 1983
Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

BILL 188

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982



An Act to amend the Assessment Act

THE HON. G. L. ASHE
Minister of Revenue

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 188

1982

An Act to amend the Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 10 of subsection 13 (1) of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, is amended by striking out “subclauses 1 (1) (c) (i) and (iii)” in the first and second lines and inserting in lieu thereof “subclauses 1 (1) (b) (i) and (iii)”. s. 13 (1),
par. 10,
amended

(2) Paragraph 16 of subsection 13 (1) of the said Act is repealed. s. 13 (1),
par. 16,
repealed

2.—(1) Subsection 24 (4) of the said Act is amended by adding at the end of that portion of the Table of Rates set out therein headed “Gas Transmission Pipe Line” the following: s. 24 (4),
amended

42" " 29.50

(2) Section 24 of the said Act is amended by adding thereto the following subsection: s. 24,
amended

(16a) Notwithstanding any provisions of this section to the contrary, where a reassessment of all property within a municipality or in territory without municipal organization is made under subsection 63 (3), the Minister may by regulation, Idem

(a) prescribe rates in lieu of the rates in subsection (4) to be applied for the taxation of pipe lines; and

(b) where two or more pipe lines occupy the same right of way, designate the second and subsequent pipe lines and prescribe the percentage of the rates as so prescribed at which the second and subsequent pipe lines are assessable and taxable,

and the rates and percentages of rates as so prescribed shall apply in the year in which taxation is first levied on the basis of the new values resulting from such a reassessment and in each year thereafter.

s. 26 (4),
amended

3. Subsection 26 (4) of the said Act is amended by inserting after "subsection (3)" in the third line "and used by the commission in the operating of a public utility".

s. 63 (1),
amended

4. Subsection 63 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 13, is amended,

(a) by striking out "and" at the end of clause (g);

(b) by adding "and" at the end of clause (h); and

(c) by striking out all that part of the subsection immediately following clause (h) and inserting in lieu thereof:

- (i) subject to subsection (2) and to subsection 65 (3), the assessment roll of a municipality to be returned in the year 1982 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1981 for taxation in the year 1982 as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the year 1983 is returned,

provided that, where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the years 1974 to and including 1982 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

s. 65,
amended

5. Section 65 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 14 and 1982, chapter 40, section 3, is further amended by adding thereto the following subsection:

Where
property
described
in class
prescribed
under
s. 63 (3)

(1a) Notwithstanding that a complaint, appeal, proceeding or action concerns an assessment made for taxation in a year prior to the year for which classes of real property were prescribed in a municipality under subsection 63 (3), for the purpose of determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, real property described in a class prescribed under subsection 63 (3) for the municipality is not similar to real property described in another class prescribed under subsection 63 (3) for that municipality, and the inclusion of real property within a class so prescribed does not indicate that such property is similar to other real property in that class.

6. Section 68 of the said Act, as re-enacted by the Statutes of Ontario, ^{s. 68,} 1981, chapter 47, section 15, is repealed and the following substituted therefor: ^{re-enacted}

68. Section 65 ceases to be in force on the 20th day of ^{Application} December, 1983, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action that will affect taxes for the years 1971 to and including 1983.

7. Section 69 of the said Act, as re-enacted by the Statutes of Ontario, ^{s. 69,} 1981, chapter 47, section 16, is repealed and the following substituted therefor: ^{re-enacted}

69. Subject to section 70, subsection 24 (6) is not in force and ^{Application} remains inoperative until the 1st day of January, 1983.

8. This Act shall be deemed to have come into force on the 1st day of ^{Commence-} December, 1982, and section 5 shall apply to every complaint, ^{ment} appeal, action or other proceeding in respect of an assessment under this Act where such complaint, appeal, action or other proceeding is,

(a) pending before any court or tribunal on the 1st day of December, 1982;

(b) capable of being appealed to any court or tribunal on the 1st day of December, 1982; or

(c) commenced on or after the 1st day of December, 1982.

9. The short title of this Act is the *Assessment Amendment Act, 1982*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec 21 1982

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSIONERS OF THE
UNIVERSITY OF CHICAGO

FOR THE YEAR
1900-1901

CHICAGO, ILL.,
1901

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
REPORT OF THE
COMMISSIONERS OF THE
UNIVERSITY OF CHICAGO
FOR THE YEAR
1900-1901
CHICAGO, ILL.,
1901

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSIONERS OF THE
UNIVERSITY OF CHICAGO

FOR THE YEAR
1900-1901

CHICAGO, ILL.,
1901

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSIONERS OF THE
UNIVERSITY OF CHICAGO

FOR THE YEAR
1900-1901

CHICAGO, ILL.,
1901

An Act to amend the Assessment Act

1st Reading

November 26th, 1982

2nd Reading

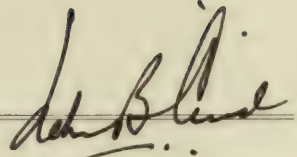
December 16th, 1982

3rd Reading

December 21st, 1982

THE HON. G. L. ASHE
Minister of Revenue

BILL 191



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act to provide for the continuation of the Provisional
County of Haliburton as the County of Haliburton**

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 191

1982

An Act to provide for the continuation of the Provisional County of Haliburton as the County of Haliburton

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Provisional County of Haliburton is hereby continued as a municipal corporation with the status of a county municipality and bearing the name of The Corporation of the County of Haliburton. County of Haliburton

2. A reference to The Corporation of the Provisional County of Haliburton or the Provisional County of Haliburton in any Act, regulation, by-law, agreement or other document passed, made, entered into or executed before this Act comes into force shall be deemed to be a reference to The Corporation of the County of Haliburton and the County of Haliburton, respectively. References in other Acts, etc.

- 3.—(1) The geographic townships of Lawrence and Nightingale are hereby annexed to the County of Haliburton and the said geographic townships together with the township municipality known as the United Townships of Sherborne, McClintock and Livingstone are hereby established as a township municipality bearing the name of The Corporation of the Township of Sherborne, McClintock, Livingstone, Lawrence and Nightingale. Township of Sherborne, McClintock, Livingstone, Lawrence and Nightingale established

- (2) Notwithstanding subsection (1), for municipal purposes, any part of the Township of Sherborne, McClintock, Livingstone, Lawrence and Nightingale located in Algonquin Provincial Park, so long as the part remains part of the Park, shall be deemed to be separated from the Township and from the County of Haliburton, but the parts of the Township located in the Park, Lands in Algonquin Provincial Park
 - (a) form part of the County of Haliburton for judicial purposes; and

R.S.O. 1980,
c. 402

(b) form part of the Township for the purposes of the *Provincial Parks Municipal Tax Assistance Act*.

Existing
by-laws

- (3) The establishment of the Township of Sherborne, McClintock, Livingstone, Lawrence and Nightingale, herein referred to as the new municipality, does not affect the by-laws in force in the United Townships of Sherborne, McClintock and Livingstone immediately prior to the coming into force of this Act and they remain in force until repealed by the council of the new municipality.

Council

- (4) Until the regular election to be held in 1985, the council elected at the regular election in 1982 for the United Townships of Sherborne, McClintock and Livingstone shall be the council for the new municipality.

Assets,
etc.

- (5) All the assets and liabilities of the United Townships of Sherborne, McClintock and Livingstone, herein referred to as the former municipality, and its local boards are assets and liabilities of the new municipality and its local boards, and the new municipality and its local boards for all purposes stand in the place and stead of the former municipality and its local boards.

Idem

- (6) Without limiting the generality of subsection (5), the new municipality has the same rights and powers as respects the collection and recovery of all unpaid taxes imposed by the former municipality, including those for 1982, as if such taxes had been imposed by the new municipality.

R.S.O. 1980,
c. 497, s. 1,
amended

- 4.—(1) Section 1 of the *Territorial Division Act*, being chapter 497 of the Revised Statutes of Ontario, 1980, is amended by inserting after "5" in the third line "5a".

s. 1,
amended

- (2) The said section 1 is further amended by adding thereto the following paragraph:

Haliburton

12a.—THE COUNTY OF HALIBURTON

consists of the townships of,

Anson, Hindon and
Minden,
Bicroft,
Cardiff,
Dysart, Bruton,
Clyde, Dudley,
Eyre, Guilford,
Harburn, Harcourt
and Havelock,
Glamorgan,

Lutterworth,
Monmouth,
Sherborne,
McClintock,
Livingstone,
Lawrence and
Nightingale,
Snowdon,
Stanhope.

(3) Paragraph 41 of the said section 1 is repealed.

s. 1, par. 41,
repealed

(4) The said Act is amended by adding thereto the following section:

s. 5a,
enacted

5a. For judicial purposes, the County of Haliburton is united to and forms part of the County of Victoria.

County of
Haliburton

5. The *Haliburton Act*, being chapter 194 of the Revised Statutes of Ontario, 1980, is repealed.

Repeal

6. This Act comes into force on the 1st day of January, 1983.

Commence-
ment

7. The short title of this Act is the *County of Haliburton Act, 1982*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec 21, 82

Robert Lewis

CLERK

LEGISLATIVE ASSEMBLY

1. The first part of the paper discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business and for the protection of the interests of all parties involved.

2. The second part of the paper discusses the various methods of record-keeping and the advantages and disadvantages of each. It compares the use of books, ledgers, and other accounting systems, and discusses the importance of choosing the most appropriate method for the business.

3. The third part of the paper discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business and for the protection of the interests of all parties involved.

4. The fourth part of the paper discusses the various methods of record-keeping and the advantages and disadvantages of each. It compares the use of books, ledgers, and other accounting systems, and discusses the importance of choosing the most appropriate method for the business.

5. The fifth part of the paper discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business and for the protection of the interests of all parties involved.

An Act to provide for the continuation of
the Provisional County of Haliburton as the
County of Haliburton

1st Reading

November 29th, 1982

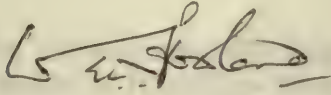
2nd Reading

December 16th, 1982

3rd Reading

December 21st, 1982

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing



Bill 192

*(Chapter 13
Statutes of Ontario, 1983)*

An Act to amend the Regional Municipality of Hamilton-Wentworth Act

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

<i>1st Reading</i>	November 29th, 1982
<i>2nd Reading</i>	February 14th, 1983
<i>3rd Reading</i>	February 15th, 1983
<i>Royal Assent</i>	February 23rd, 1983

Bill 192 1982

An Act to amend the Regional Municipality of Hamilton-Wentworth Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 134 of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections: s. 134,
amended

(4) Upon the application of the occupier of a shop in the Regional Area, the Regional Council may by by-law exempt the shop from any provision or provisions of a by-law passed under section 211 of the *Municipal Act* on any such particular day or days of the year and for such special occasion as the by-law specifies, but no shop shall be exempted under this subsection from the provisions of a by-law passed under the said section 211 in more than two periods in any year. Exemption

R.S.O. 1980,
c. 302

(5) In subsection (4), "period" means a period not exceeding two consecutive days in duration. Interpre-
tation

2. The said Act is amended by adding thereto the following section: s. 161,
enacted

161.—(1) The Regional Council may by by-law assume, without Municipal Board approval, the liability of the City of Hamilton to retire the outstanding indebtedness of the City on the debentures issued by the Regional Corporation on behalf of the City for the Hamilton Art Gallery. Assumption
of liability
re Art
Gallery
debenture

(2) The Regional Council may by by-law pay to the City of Hamilton an amount equal to the sum paid by the City for the purpose of retiring the indebtedness referred to in subsection (1) in 1980, 1981 and 1982. Idem

Rights and
obligations
affected

(3) Nothing in subsection (1) affects the rights of any debenture holder or the obligations of the City of Hamilton in relation to the debentures issued under subsection (1).

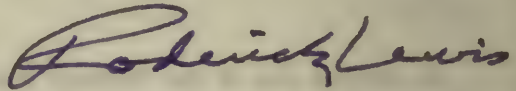
Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Regional Municipality of Hamilton-Wentworth Amendment Act, 1983*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE February 23, 1983

A handwritten signature in dark ink, appearing to read "Robert Lewis", is written in a cursive style.

CLERK
LEGISLATIVE ASSEMBLY

Bill 193

*(Chapter 4
Statutes of Ontario, 1983)*

An Act to amend the Regional Municipality of Waterloo Act

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

<i>1st Reading</i>	November 29th, 1982
<i>2nd Reading</i>	January 25th, 1983
<i>3rd Reading</i>	January 25th, 1983
<i>Royal Assent</i>	January 27th, 1983

Bill 193

1982

**An Act to amend the
Regional Municipality of Waterloo Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 177,
enacted

177.—(1) In this section, “public historical museum” includes Doon Pioneer Village and Heritage Community.

Interpre-
tation

(2) The Regional Corporation may acquire, erect, alter, maintain, operate and manage public historical museums and, without limiting the generality of the foregoing, the Regional Corporation may,

Public
historical
museums

- (a) prescribe admission fees to any such public historical museum;
- (b) receive donations of money by gift, subscription, grant, bequest or otherwise for the purposes of such public historical museums;
- (c) receive or acquire by purchase, donation, lease, public subscription, grant, bequest or otherwise, and hold, preserve, maintain, reconstruct, restore, and manage property of historical interest;
- (d) enter into agreements with prospective donors, subject to any conditions governing the use of the donation;
- (e) subject to the terms of any trust in connection with such property, dispose of property received or acquired for any such public historical museum by sale, lease or any other manner and execute such deeds or

other instruments as may be required to effect such disposal; and

- (f) act as trustee with respect to real or personal property donated to any such public historical museum or donated to the Regional Corporation for the purposes of any such public historical museum.

Doon
Pioneer
Village and
Heritage
Community

(3) On the 1st day of March, 1983,

- (a) the lands and premises vested in the Grand River Conservation Authority and known as Doon Pioneer Village and Heritage Community, as more particularly described in the following Schedule;
- (b) all personal property including furnishings, artifacts and equipment of the Grand River Conservation Authority and the Ontario Pioneer Community Foundation located at and received or acquired for the Doon Pioneer Village and Heritage Community; and
- (c) all property held in trust by the Ontario Pioneer Community Foundation,

subject to any trust or lien or other encumbrance affecting any such property, vests in the Regional Corporation, without compensation, and all rights, duties and interests and all debts and liabilities of the Grand River Conservation Authority and the Ontario Pioneer Community Foundation related to the Doon Pioneer Village and Heritage Community become, on that day, rights, duties, interests, debts and liabilities of the Regional Corporation.

SCHEDULE

That parcel of land situate in the City of Kitchener, in The Regional Municipality of Waterloo, being composed of those parts of Bechtel's Tract and Biehn's Tract, formerly in the Township of Waterloo, being Lot 8 as shown on a Plan registered in the Land Registry Office for the Land Registry Division of Waterloo North (No. 58) as Registrar's Compiled Plan Number 1521.

Références
to Ontario
Pioneer
Community
Foundation

(4) A reference to the Ontario Pioneer Community Foundation in any deed, will or other instrument, giving or conveying property to the Foundation, whether executed before or after the 1st day of March, 1983, shall be deemed to be a reference to the Regional Corporation.

Application
of property

(5) No property received by the Regional Corporation for the purpose of a public historical museum shall be used for any

other purpose of the Regional Corporation and where the Regional Corporation disposes of any property under clause (2) (e), it shall use any money or other property received as a result of the disposition for the purposes of its public historical museums.

(6) Where, after the 1st day of March, 1983, the Grand River Conservation Authority or the Ontario Pioneer Community Foundation receives any property for the purpose of the Doon Pioneer Village and Heritage Community, the Authority or the Foundation, as the case may be, shall forthwith deliver the property to the Regional Corporation.

Delivery of
after-
acquired
property

(7) Subsection (3) does not apply to the funds of the Ontario Pioneer Community Foundation unless the funds are held in trust by the Foundation.

Saving

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Regional Municipality of Waterloo Amendment Act, 1983.*

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

Jan. 27, 1983

Richard Lewis

CLERK
LEGISLATIVE ASSEMBLY

Bill 194

*(Chapter 5
Statutes of Ontario, 1983)*

An Act to amend certain Acts in respect of Planning and related Matters

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

<i>1st Reading</i>	March 9th, 1982
<i>2nd Reading</i>	March 9th, 1982
<i>3rd Reading</i>	January 25th, 1983
<i>Royal Assent</i>	January 27th, 1983

Bill 194

1982

**An Act to amend certain Acts in
respect of Planning and related Matters**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraphs 141, 142, 143 and 144 of section 210 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

R.S.O. 1980,
c. 302, s. 210,
pars. 141-
144, re-
enacted;
pars. 144a,
144b, enacted

141. For prohibiting or regulating signs and other advertising devices or any class or classes thereof and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway.

Signs

142. A by-law passed under paragraph 141 may specify a time period during which signs or other advertising devices in a defined class may stand or be displayed in the municipality and may require the removal of such signs or other advertising devices which continue to stand or be displayed after such time period has expired.

Temporary
signs

143. A by-law passed under paragraph 141 may require the production of the plans of all signs or other advertising devices to be erected, displayed, altered or repaired and provide for the charging of fees for the inspection and approval of such plans and for the fixing of the amount of such fees and for the issuing of a permit certifying to such approval and may prohibit the erection, display, alteration or repair of any sign or advertising device where a permit has not been obtained therefor and may authorize the refusal of a permit for any sign or other advertising device that if erected or displayed would be contrary to the provisions of any by-law of the municipality.

Production of
plans

- (a) A change in the message displayed by a sign or other advertising device does not in itself constitute an alteration.

Pulling
down, etc.,
of signs
unlawfully
erected

144. A by-law passed under paragraph 141 may authorize the pulling down or removal at the expense of the owner of any sign or other advertising device that is erected or displayed in contravention of the by-law and may require any person who,

- (a) has caused a sign or other advertising device to be erected, displayed, altered or repaired without first having obtained a permit to do so; or
- (b) having obtained a permit has caused a sign or other advertising device to be erected, displayed, altered or repaired contrary to the approved plans in respect of which the permit was issued,

to make such sign or other advertising device comply with the by-laws of the municipality if it does not so comply or to remove such sign or other advertising device within such period of time as the by-law specifies.

Notice

144a. Before passing a by-law under paragraph 141,

- (a) notice of the proposed by-law and notice of the council meeting at which the proposed by-law is to be discussed shall be published once at least fourteen days prior to the council meeting indicated in the notice and in the case of a municipality where there is no newspaper having general circulation in the municipality, shall be posted in a conspicuous place in the municipality for at least fourteen days prior to the council meeting indicated in the notice; and
- (b) the council shall hear any person who before the council meeting indicated in the notice applies to be heard.

Minor
variances

144b. The council may, upon the application of any person, authorize minor variances from the provisions of a by-law passed under paragraph 141, provided that in the opinion of the council the general intent and purpose of the by-law are maintained.

Saving
R.S.O. 1980,
c. 302

(2) No by-law passed under paragraph 141 of section 210 of the *Municipal Act*, as it existed on the day before the day this section comes into force, that prohibits or regulates signs or other advertising devices, applies so as to require a sign or advertising device that is lawfully erected or displayed on the day this section comes into force, but that does not comply with the by-law, to be made to comply with the by-law or to be removed by the owner or the owner of the land on which it is situate, so long as the sign or advertising device is not in any way substan-

tially altered, provided that the maintenance and repair of the sign or advertising device or a change in the message displayed shall be deemed not to in itself constitute an alteration.

(3) No by-law passed under paragraph 141 of section 210 of the *Municipal Act*, as re-enacted by subsection 1 (1) of this Act, that prohibits or regulates signs or other advertising devices, applies to a sign or advertising device that is lawfully erected or displayed on the day the by-law comes into force, so long as the sign or advertising device is not in any way substantially altered, provided that the maintenance and repair of the sign or advertising device or a change in the message displayed shall be deemed not to in itself constitute an alteration.

Non-application to lawfully erected signs, etc.
R.S.O. 1980, c. 302

(4) Section 210 of the said Act is amended by adding thereto the following paragraphs:

Idem, s. 210, amended

162. For regulating the size and strength of frame, wooden, brick, stone, cement and concrete walls, and of the foundations and foundation walls, beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all such buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying to such approval without which permit no building or structure may be erected, altered or repaired, and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to the provisions of any by-law of the municipality or of a by-law of any other municipality, including a county and a metropolitan municipality, or the laws of Ontario or Canada in force in the municipality.

Size and strength of walls, etc., and production of plans

163. For requiring owners and occupants to furnish the council with the levels, with reference to a line fixed by by-law, of their cellars heretofore or hereafter dug or constructed, and for taking such other means as may be considered necessary for ascertaining such levels.

Ascertaining levels of cellars, etc.

164. For fixing grade lines of streets; for providing that the levels of cellars and basements on such streets shall bear a relation, fixed in the by-law, to such lines; and for requiring that a ground or block plan of any proposed building be deposited with an officer named in the by-law, before the issue of a building permit for such building, showing the levels of the cellars and basements in relation to the grade lines fixed in the by-law.

Establishing grades of streets and levels of basements

Regulation,
etc., of
heating plant
and
equipment
R.S.O. 1980,
c. 46

165. For regulating, controlling and inspecting, subject to the *Boilers and Pressure Vessels Act*, all hot air, hot water and steam heating plants and equipment, or any classes thereof, and the installation thereof; and for requiring the production of plans of all installations of such plant and equipment and alterations or additions thereto, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and for requiring that without such permit no such plant and equipment may be installed, altered or added to.

Regulating
removal and
wrecking of
buildings and
structures

166. For regulating the removing or wrecking of buildings and structures and the spraying thereof during such work so as to prevent dust or rubbish arising therefrom, and for the issuing of a permit for the removing, wrecking or partial removing or wrecking of buildings and structures without which no building or structure may be removed or wrecked or partially removed or wrecked, and for fixing and charging fees for such permit.

Production of
plans of
public
buildings,
etc.

R.S.O. 1980,
c. 51

167. For requiring the production of the plans of hospitals, schools, colleges, churches, theatres, halls, or other buildings used as places of worship, or of public resort, or amusement or for public meetings now erected or which it is proposed to erect, and for prohibiting the use or erection of them until the provisions of any regulation under the *Building Code Act* is complied with to the satisfaction of the architect of the corporation or an officer appointed for the purpose.

Owner's
liability to
repair land in
front of
commercial
buildings

168. For requiring every owner of land upon which there is erected a building used or intended to be used for commercial purposes to keep in repair any portion of his land lying between the building and the street line that is used by the public as part of the sidewalk on such street.

Repairs to
existing
buildings

169. For regulating the repairing or alteration of roofs or the external walls of existing buildings so that the buildings may be as nearly as practicable fire-proof.

Pulling
down, etc.,
of buildings
illegally
erected

170. For authorizing the pulling down or removal, at the expense of the owner, of any building or erection constructed, altered, repaired or placed in contravention of the by-law.

Pulling down
buildings in
ruinous state

171. For authorizing the pulling down or repairing or renewing, at the expense of the owner, of any building, fence, scaffolding or erection that, by reason of its ruinous or dilapidated state, faulty construction or otherwise, is in an unsafe condition as regards danger from fire or risk of accident.

172. For regulating the construction of cellars, sinks, cess-pools, water closets, earth closets, privies and privy vaults; for requiring and regulating the manner of the draining, cleaning and clearing and disposing of the contents of them.

Construction of cellars, drains, etc.

173. For requiring,

Control of termites

- i. any building or structure or any class or classes thereof heretofore or hereafter erected or any additions thereto to be rendered resistant to infestation by termites and other wood-destroying insects,
- ii. the repair of any part of any building or structure or any class or classes thereof that has been damaged by termites or other wood-destroying insects,
- iii. the removal and destruction or in the alternative the separation from the soil by an approved non-cellulose barrier of all wooden poles, tree-stumps or other wooden or cellulose material that is not part of a building if they are certified by the building inspector or commissioner to be infested by termites or other wood-destroying insects,
- iv. the removal and destruction or in the alternative the separation from the soil by an approved non-cellulose barrier of all wooden poles, tree-stumps or other wooden or cellulose material that is not part of a building which is or may become a hazard of infestation or re-infestation to a building or structure of any class or classes thereof rendered resistant to infestation under subparagraph i or repaired under subparagraph ii.

174. For providing for the payment by the municipality of not more than one-half of the cost,

Cost of control of termites and repairs

- i. of repairing any damage done to any building or structure or any class or classes thereof by termites or other wood-destroying insects, and
- ii. of rendering resistant to infestation by termites or other wood-destroying insects any building or structure or any class or classes thereof that were erected before a by-law is passed under this paragraph,

and for providing for the making of loans to the owners of such buildings or structures to pay for the whole or any part of the cost of such repairs or of the rendering resistant to such infesta-

tion, less any amount paid by the municipality, on such terms and conditions as the council may prescribe.

- (a) The amount of any loan made under a by-law passed under this paragraph, or a predecessor hereof, together with interest at a rate to be determined by council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.
- (b) A certificate of the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this paragraph, or a predecessor hereof, including the rate of interest thereon, together with a description sufficient to identify the land in respect of which the loan has been made, shall be registered in the proper land registry office against the land upon proof by affidavit of the signature of the clerk, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate of the clerk showing such repayment shall be similarly registered, and thereupon the lands are freed from all liability with reference thereto.

Idem, ss.
210a-210c,
enacted

(5) The said Act is amended by adding thereto the following sections:

Township
by-laws

210a. A by-law passed by the council of a township under any of paragraphs 162 to 174 of section 210 may be made applicable to the township or one or more defined areas thereof as set out in the by-law.

Building
inspector

210b. The council of a county, including the County of Oxford, or a regional or district municipality may enter into an agreement with one or more local municipalities for the appointment by the county, regional or district council of a building inspector for the administration of by-laws passed under paragraphs 162 to 174 of section 210 by such local municipalities and for charging such municipalities the whole or part of the cost of such building inspector.

Deemed
county for
purposes of
R.S.O. 1980,
c. 51

210c. The County of Oxford, The District Municipality of Muskoka and every regional municipality, except The Regional Municipality of Sudbury and The Regional Municipality of Haldimand-Norfolk, shall be deemed to be a county for the purposes of the *Building Code Act*.

2. Sections 96, 97, 98, 99 and 100 of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

R.S.O. 1980, c. 439, s. 96, re-enacted; ss. 97-100, repealed

96. The Regional Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Regional Area.

Official plan for Regional Area

3. Sections 100, 101, 102 and 103 of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

R.S.O. 1980, c. 438, s. 100, re-enacted; ss. 101-103, repealed

100. The Regional Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Regional Area.

Official plan for Regional Area

4. Sections 96, 97, 98 and 99 of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

R.S.O. 1980, c. 443, s. 96, re-enacted; ss. 97-99, repealed

96. The Regional Council shall prepare, adopt and forward to the Minister of Municipal Affairs and Housing for approval, an official plan for the Regional Area.

Official plan

5. Section 27 of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

R.S.O. 1980, c. 441, s. 27, re-enacted

27.—(1) In addition to the powers given to the Regional Council under the *Planning Act, 1983*, the Regional Council may exercise all the powers of a local municipality under that Act and no area municipality shall exercise any powers under the *Planning Act, 1983*.

Powers of Regional Council under 1983, c. 1

(2) The Regional Council may exercise any of the powers set out in paragraphs 162 to 174 of section 210 of the *Municipal Act* and no council of an area municipality shall exercise any such powers.

Powers of Regional Council under R.S.O. 1980, c. 302, s. 210, pars. 162-174

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Building Code Act*.

Deemed municipality for purposes of R.S.O. 1980, c. 51

(4) Where the Regional Corporation has incurred a cost under subsection 10 (4) of the *Building Code Act*, the cost may be charged to the area municipality in which the building is situated and the clerk of the area municipality shall add the cost to the

Collection of costs under R.S.O. 1980, c. 51

collector's roll, collect the cost in like manner as municipal taxes and, when the cost has been collected, pay it to the Regional Corporation.

By-laws
under
R.S.O. 1970,
c. 349,
continued

(5) Every by-law passed under the provisions of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, by a local municipality as it existed on the 31st day of December, 1972, shall continue in force until repealed by the Regional Council.

Official
plan for
Regional
Area

(6) The Regional Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Regional Area.

R.S.O. 1980,
c. 442, s. 95,
re-enacted;
ss. 96, 97,
repealed

6. Sections 95, 96 and 97 of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Official
plan for
Regional
Area

95. The Regional Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Regional Area.

R.S.O. 1980,
c. 440, s. 59,
re-enacted;
ss. 60, 61,
repealed

7. Sections 59, 60 and 61 of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Official
plan

59. The Regional Council shall prepare, adopt and forward to the Minister of Municipal Affairs and Housing for approval, an official plan for the Regional Area.

R.S.O. 1980,
c. 436, s. 64,
re-enacted;
ss. 65, 66,
repealed

8. Sections 64, 65 and 66 of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Official
plan for
Regional
Area

64. The Regional Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Regional Area.

R.S.O. 1980,
c. 437, s. 75,
re-enacted;
ss. 76, 77,
repealed

9. Sections 75, 76 and 77 of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Official
plan for
Regional
Area

75. The Regional Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Regional Area.

10. Sections 68, 69, 70, 71 and 72 of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

R.S.O. 1980,
c. 434,
ss. 68, 69, 70,
re-enacted;
ss. 71, 72,
repealed

68. All official plans in effect in any part of the Regional Area, on and after the 1st day of January, 1974, remain in effect as official plans but shall be amended forthwith to conform with the official plan adopted by the Regional Council and approved by the Minister.

Official
plans
preserved

69.—(1) Every council of an area municipality shall, at the request of the Regional Council, prepare a plan for the area municipality and forward it to the Regional Council.

Area
municipality
plans

(2) The Regional Council shall, in respect of plans submitted to it under subsection (1),

Powers of
Regional
Council
re plans

(a) adopt the plan as submitted, with or without amendment by the Regional Council, and forward it to the Minister of Municipal Affairs and Housing for approval as an official plan; or

(b) reject the plan.

70. The Regional Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Regional Area.

Official
plan for
Regional
Area

11. Sections 51, 52, 53, 54 and 55 of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

R.S.O. 1980,
c. 435,
ss. 51-55,
re-enacted

51.—(1) In addition to the powers given to the Regional Council under the *Planning Act*, 1983, the Regional Council may exercise all the powers of a local municipality under that Act and no area municipality, except as provided in this Part, shall exercise any powers under the *Planning Act*, 1983.

Powers of
Regional
Council
under
1983, c. 1

(2) The Regional Council may exercise any of the powers set out in paragraphs 162 to 174 of section 210 of the *Municipal Act* and no council of an area municipality shall exercise any such powers.

Powers of
Regional
Council
under
R.S.O. 1980,
c. 302, s. 210,
pars. 162-174

Deemed
municipality
for purposes
of R.S.O.
1980, c. 51

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Building Code Act*.

By-laws
under
R.S.O. 1970,
c. 349,
continued

(4) Every by-law passed under the provisions of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, by a local municipality as it existed on the 31st day of March, 1974, shall continue in force until amended or repealed by the Regional Council.

Collection of
costs under
R.S.O. 1980,
c. 51

52. Where the Regional Corporation has incurred a cost under subsection 10 (4) of the *Building Code Act*, the cost may be charged to the area municipality in which the building is situate, and the clerk of the area municipality shall add the cost to the collector's roll, collect the cost in like manner as municipal taxes and, when the cost has been collected, pay it to the Regional Corporation.

Delegation
of powers
to area
municipi-
ties

53. The Regional Council may delegate, for such period and on such terms and conditions as the Regional Council considers necessary, to the council of any area municipality the authority to exercise such of the powers under sections 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43 and 44 of the *Planning Act, 1983* as the Regional Council may determine.

1983, c. 1

Area
municipality
plans

54. Every council of an area municipality shall, at the request of the Regional Council, prepare and adopt an official plan for the area municipality.

Official
plan for
Regional
Area

55. The Regional Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Regional Area.

R.S.O. 1980,
c. 121,
ss. 51, 52,
re-enacted;
s. 53,
repealed

12. Sections 51, 52 and 53 of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Official
plans

51. No area municipality shall exercise any power with respect to the preparation and lodging of official plans under Part III of the *Planning Act, 1983*.

Official
plan for
District
Area

52. The District Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the District Area.

13. Sections 62, 63 and 64 of the *County of Oxford Act*, being chapter 365 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

R.S.O. 1980,
c. 365,
ss. 62, 63,
re-enacted;
s. 64,
repealed

62.—(1) The County Council may exercise all the powers, including the powers of a local municipality, under the *Planning Act, 1983* and no area municipality shall, except as provided in subsections (2), (3) and (4), exercise any powers under the *Planning Act, 1983*.

Powers of
County
Council
under
1983, c. 1

(2) The council of each area municipality is deemed to be a committee of adjustment under the *Planning Act, 1983*.

Committee
of
adjustment

(3) The council of an area municipality may exercise the powers provided in section 28, except subsection (11) thereof, sections 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 45 and 68 of the *Planning Act, 1983*, but in the event that there is a conflict between a by-law passed by the County Council and a by-law passed by the council of an area municipality in the exercise of such powers, the by-law passed by the County Council shall prevail.

Powers of
area muni-
cipality
councils
under
1983, c. 1

(4) The County Council may exercise any of the powers set out in paragraphs 162 to 174 of section 210 of the *Municipal Act*, and in the event that there is a conflict between a by-law passed by the County Council and a by-law passed by the council of an area municipality in the exercise of such powers, the by-law passed by the County Council shall prevail.

Powers of
County
Council
under
R.S.O. 1980,
c. 302, s. 210,
pars. 162-174

(5) The County Council may delegate to the council of an area municipality any of its powers in respect of subdivision agreements.

Subdivision
agreements

(6) All official plans in effect in the County on the 31st day of December, 1974 are deemed to be the official plans of the County until such time as they are repealed in whole or in part.

Official
plan
continued

(7) Subsection 53 (1) of the *Planning Act, 1983* has no application to the County and the County Council may be or may constitute and appoint a land division committee for the purposes of giving consents under the *Planning Act, 1983*.

Appoint-
ment of land
division
committee

63. The County Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the County.

Official
plan for
County

R.S.O. 1980,
c. 314,
ss. 200, 201,
re-enacted;
ss. 202-205,
repealed

14. Sections 200, 201, 202, 203, 204 and 205 of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Delegation
to
Executive
Committee
1983, c. 1

200.—(1) Notwithstanding section 5 of the *Planning Act*, 1983, where the Minister has by order made under subsection 4 (1) of the *Planning Act*, 1983 delegated to the Metropolitan Council the Minister's authority to approve an official plan or amendments thereto of an area municipality, the Metropolitan Council may by by-law and subject to such conditions as may have been imposed by the Minister, delegate such authority to the Executive Committee for the period of any summer recess of the Metropolitan Council and upon such terms and conditions as the by-law specifies and the Executive Committee has, in lieu of the Minister, all powers and rights of the Minister in respect of such delegated authority and shall be responsible for all matters pertaining thereto including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Report to
Metropolitan
Council

(2) The Executive Committee shall report each decision made under any by-law passed under subsection (1) to the Metropolitan Council at the next regular meeting of the Metropolitan Council.

Official
plan for
Metropolitan
Area

201. The Metropolitan Council shall continue to maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Metropolitan Area.

Rights
vested

15. A benefit, right or status conferred upon a person by sections 204 and 205 of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, as those sections were on the day immediately prior to the coming into force of this Act is vested in the person notwithstanding section 14.

Commence-
ment

16. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

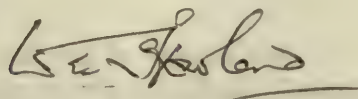
Short title

17. The short title of this Act is the *Planning Statute Law Amendment Act*, 1983.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Jan 27 1983
Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY



Bill 195

*(Chapter 14
Statutes of Ontario, 1983)*

An Act to amend the Municipality of Metropolitan Toronto Act

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

<i>1st Reading</i>	November 29th, 1982
<i>2nd Reading</i>	February 14th, 1983
<i>3rd Reading</i>	February 15th, 1983
<i>Royal Assent</i>	February 23rd, 1983

Bill 195

1982

An Act to amend the Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is repealed. s. 4,
repealed

2. Section 24 of the said Act is amended by adding thereto the following subsection: s. 24,
amended

(1a) Notwithstanding any other Act, in any proceeding to which a local board of the Metropolitan Corporation or any other body established by or under this Act is a party, costs adjudged to the local board or other body shall not be disallowed or reduced merely because the solicitor or the counsel who earned such costs, or in respect of whose services the costs are charged, was a salaried officer of such board or other body or of the Metropolitan Corporation performing such services in the discharge of his duty and remunerated therefor by his salary or for that or for any other reason was not entitled to recover any costs from the local board or other body in respect of the services so rendered and the costs recovered by or on behalf of the local board or other body in any such case shall be paid into the general funds of the local board or other body or of the Metropolitan Corporation. Costs of local
board, etc.,
in any
proceeding

3. The said Act is amended by adding thereto the following section: s. 65a,
enacted

65a.—(1) The Metropolitan Council has and shall be deemed always to have had the authority to pass by-laws to provide for receiving and disposing of liquid or solid material that is suitable for treatment in the sewage works of the Metropolitan Corporation and that is transported to those sewage works for receipt and disposal by the Metropolitan Corporation. Disposal of
liquid or solid
material

Terms and
conditions

(2) A by-law under subsection (1) may prescribe the terms and conditions on which material mentioned in subsection (1) will be received and disposed of, and fix charges for receiving and disposing of the material and different conditions and charges may be made applicable in respect of different classes of such material and to different classes of persons transporting such material to the sewage works for receipt and disposal by the Metropolitan Corporation.

s. 209 (3),
(b, c),
re-enacted

4.—(1) Clauses 209 (3) (b) and (c) of the said Act are repealed and the following substituted therefor:

(b) for the purposes of trade centres and trade and agricultural fairs such as, but not limited to, the annual Canadian National Exhibition and Royal Agricultural Winter Fair;

(c) for the holding of displays, agricultural activities, sporting events, athletic contests, public entertainments and meetings.

s. 209 (7),
repealed

(2) Subsection 209 (7) of the said Act is repealed.

s. 209 (12),
re-enacted

(3) Subsection 209 (12) of the said Act is repealed and the following substituted therefor:

Agreements

(12) The Metropolitan Corporation may enter into agreements with The Board of Governors of Exhibition Place, the Canadian National Exhibition Association, the Royal Agricultural Winter Fair or other persons respecting the use, operation and maintenance of such assumed lands and any buildings or structures on such assumed lands, and any other matter or thing that the Metropolitan Council considers desirable for the full and effective use of such assumed lands, buildings or structures for the purposes set out in subsection (3).

s. 209 (13),
repealed

(4) Subsection 209 (13) of the said Act is repealed.

s. 209 (14),
re-enacted

(5) Subsection 209 (14) of the said Act is repealed and the following substituted therefor:

Idem

(14) The Metropolitan Corporation may enter into agreements with The Board of Governors of Exhibition Place or the Canadian National Exhibition Association appointing the Board or the Association as its agent to carry out any of the powers of the Metropolitan Corporation under this section, and, upon the execution of any such agreement, the Board or the Association, as the case may be, is authorized to exercise such powers, subject to such restrictions as may be set out in the agreement.

5. Section 210 of the said Act is repealed and the following substituted therefor:

s. 210,
re-enacted;
ss. 210a,
210b,
enacted
Interpre-
tation

210.—(1) In this section and in sections 210a and 210b,

- (a) “Association” means the Canadian National Exhibition Association;
- (b) “Board” means the Board of Governors established under subsection (2);
- (c) “Exhibition Place” means those lands vested in the Metropolitan Corporation under subsection 209 (1), including any buildings or structures erected thereon.

(2) There is hereby established a corporation without share capital under the name “The Board of Governors of Exhibition Place” having as its purpose and objects the operation, management and maintenance of Exhibition Place.

Board
established

(3) The *Corporations Act* does not apply to the Board.

R.S.O. 1980,
c. 95,
not to apply

(4) The Board shall consist of fourteen members composed of,

Composition
of Board

- (a) eleven members appointed by the Metropolitan Council composed of,
 - (i) three members of the Metropolitan Council,
 - (ii) three members nominated by the Association, and
 - (iii) five members who are not members of the Metropolitan Council;
- (b) the chairman of the Metropolitan Council;
- (c) the mayor of the City of Toronto; and
- (d) the president of the Association.

(5) The members of the Board appointed by the Metropolitan Council under clause (4) (a) shall hold office for a term not exceeding the term of the Council that appointed them and until their successors are appointed, and all such members are eligible for reappointment.

Term of
office

Chairman,
vice-
chairman,
quorum

(6) The Board shall elect a chairman from among its members and may elect a vice-chairman, and a majority of the members of the Board constitutes a quorum for the transaction of business at meetings of the Board.

Powers of
Board

(7) The Board shall have,

- (a) a head office in the Metropolitan Area;
- (b) a corporate seal upon which its corporate name shall appear;
- (c) capacity to sue and be sued in its own name;
- (d) capacity to enter into contracts, including contracts of employment, in its own name; and
- (e) all powers incidental or conducive to the attainment of the purpose and objects of the Board set out in subsection (2).

By-laws

(8) The Board may enact by-laws regulating its proceedings and providing for the conduct and management of its affairs.

General
policies

(9) The Metropolitan Council may by by-law establish general policies to be followed in the operation, management and maintenance of Exhibition Place.

Local board

(10) The Board is a local board of the Metropolitan Corporation.

Deemed
society under
R.S.O. 1980,
c. 14, for
grant
purposes

(11) The Board for purposes of receiving grants shall be deemed to be a society under the *Agricultural Societies Act* and the provisions of that Act respecting grants apply to the Board.

Surplus or
deficit

(12) The Metropolitan Corporation shall be entitled to receive any surplus resulting from the operations of the Board and shall be responsible for any deficit incurred by the Board.

Borrowing
powers

(13) The Board may, with the prior approval of the Metropolitan Council, borrow money for the purpose of acquiring working capital, but nothing in this subsection authorizes the Board to issue debentures.

Budget

(14) The Board shall submit to the Metropolitan Council its budget for the current year at the time and in the form prescribed by the Metropolitan Council, and the budget shall be subject to approval, with or without modification, by the Metropolitan Council.

(15) After the approval of the Board's annual budget by the Metropolitan Council any and all spending by the Board shall be in accordance with the approved budget in such level of detail as the Metropolitan Council determines.

Spending in
accordance
with budget

(16) The Board may enter into agreements with the Association for the use of any of the Board's employees or equipment by the Association for purposes of carrying out an agreement entered into by the Association with the Metropolitan Corporation under subsection 209 (12) or (14).

Agreements

(17) A member of the Board does not have an indirect pecuniary interest, for the purposes of the *Municipal Conflict of Interest Act, 1983*, in respect of a contract, proposed contract or other matter between the Board and the Association by reason only of the member being also a member or officer of the Association.

Where no
indirect
pecuniary
interest
1983, c. 8

210a.—(1) Upon the coming into force of an agreement between the Metropolitan Corporation and the Board under subsections 209 (12) and (14) for the operation, management and maintenance of Exhibition Place, the Exhibition Stadium Corporation and The Board of Management of the Exhibition Stadium Corporation are dissolved and all the assets and liabilities of that Corporation are vested in the Board and the Board shall stand in the place and stead of the Exhibition Stadium Corporation for all purposes of any agreements to which the Exhibition Stadium Corporation was a party.

Corporation
and Board
dissolved

(2) Upon the coming into force of an agreement between the Metropolitan Corporation and the Board under subsections 209 (12) and (14) for the operation, management and maintenance of Exhibition Place,

Agreements

- (a) all previous agreements entered into by the Metropolitan Corporation with the Association under subsections 209 (12) and (14), or the predecessors thereof, are hereby declared to be null and void and the rights and obligations arising from those agreements are hereby extinguished;
- (b) the following assets that constitute the reserves of the Association are vested in the Metropolitan Corporation:
 - 1. Reserve for Workmen's Compensation.
 - 2. Prize Guarantee Fund.
 - 3. Reserve for rehabilitation of buildings.

4. Reserve for inventory of materials and supplies;
- (c) all of the assets of the Association, other than those referred to in clause (b), are vested in the Board, with the exception of memorabilia, archives, souvenirs, medals, art works and other similar items;
 - (d) all agreements entered into by the Exhibition Stadium Corporation with the Association and assumed by the Board under subsection (1), are hereby declared to be null and void and the rights and obligations arising from those agreements are hereby extinguished;
 - (e) the Board shall stand in the place and stead of the Association for all purposes of any agreement, except agreements to which clauses (a) or (d) apply, heretofore entered into by the Association in the exercise of its management, control or operation of Exhibition Place; and
 - (f) the Metropolitan Corporation shall be responsible for any liability incurred by the board in respect of any agreement to which clause (e) applies.

Offer of
employment

210b.—(1) The Board shall offer to employ,

- (a) every person who, on the 4th day of October, 1982, is employed by the Association as a permanent employee in connection with the operation, management and maintenance of Exhibition Place and who continues to be so employed until the date of the coming into force of an agreement between the Metropolitan Corporation and the Board under subsections 209 (12) and (14) for the operation, management and maintenance of Exhibition Place; and
- (b) every person who, on the 15th day of March, 1982, is employed by the Exhibition Stadium Corporation and who continues to be so employed until the coming into force of an agreement between the Metropolitan Corporation and the Board under subsections 209 (12) and (14) for the operation, management and maintenance of Exhibition Place.

Wages and
salary

- (2) Any person who accepts employment under subsection (1) shall be entitled to receive a wage or salary for the one-year period next following the commencement of his employment

with the Board of not less than he was receiving on the 4th day of October, 1982.

(3) Where any person accepts employment under subsection (1), Pension benefits

(a) he shall continue as, or become a member of, the Ontario Municipal Employees Retirement System, as the case requires, on his transfer date; and

(b) with respect to pension benefits accrued prior to the coming into force of an agreement between the Metropolitan Corporation and the Board under subsections 209 (12) and (14) for the operation, management and maintenance of Exhibition Place, his employment with the Association or with the Exhibition Stadium Corporation, as the case may be, shall be deemed to be employment with the Board.

(4) The Board shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 4th day of October, 1982. Participation in O.M.E.R.S.

(5) Any sick leave credits standing on the day an agreement is entered into between the Metropolitan Corporation and the Board under subsections 209 (12) and (14) for the operation, management and maintenance of Exhibition Place to the credit of any person who accepts employment under subsection (1) shall be placed to the credit of such employee in any sick leave credit plan established by the Board. Sick leave

(6) Any person who accepts employment under subsection (1) shall be entitled during 1983 to holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the Association or the Exhibition Stadium Corporation, as the case may be. Holidays

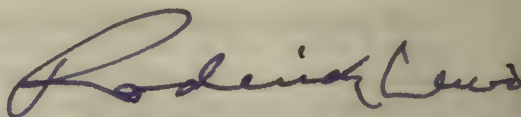
(7) Nothing in this section prevents the Board from terminating the employment of an employee for cause. Termination of employment

6. Subsection 227 (22) of the said Act is amended by striking out "5" in the fourth line and inserting in lieu thereof "8". s. 227 (22), amended

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1983.* Short title

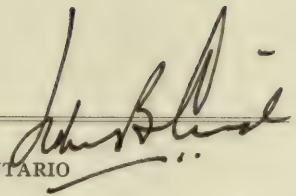
ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE February 23, 1983

A handwritten signature in dark ink, appearing to read "Rodenia Lewis". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

CLERK
LEGISLATIVE ASSEMBLY

BILL 196

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982



An Act to amend the Provincial Court (Civil Division) Project
Act

THE HON. R. MCMURTRY
Attorney General

TORONTO

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BILL 196

1982

An Act to amend the Provincial Court (Civil Division) Project Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to the *Provincial Court (Civil Division) Project Act*, being chapter 397 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: Title,
re-enacted

Provincial Court (Civil Division) Act

- 2.—(1) Clause 1 (b) of the said Act is repealed. s. 1 (b),
repealed
- (2) Clause 1 (c) of the said Act is amended by striking out “of The Municipality of Metropolitan Toronto” in the second line. s. 1 (c),
amended
3. Sections 2, 3 and 4 of the said Act are repealed and the following substituted therefor: s. 2,
re-enacted;
ss. 3, 4,
repealed
- 2.—(1) There shall be a court of record in and for The Municipality of Metropolitan Toronto and such areas as are designated by the rules, named the Provincial Court (Civil Division). Provincial
Court
(Civil
Division)
established
- (2) The Provincial Court (Civil Division) shall be presided over by a provincial judge appointed under the *Provincial Courts Act*. Judges
R.S.O. 1980,
c. 398
- 4.—(1) Subsection 6 (4) of the said Act is amended by inserting after “Toronto” in the second line “and areas designated by the rules”. s. 6 (4),
amended
- (2) Subsection 6 (5) of the said Act is amended by inserting after “Toronto” in the third line “and areas designated by the rules”. s. 6 (5),
amended

s. 7 (1),
amended

- 5.—(1) Subsection 7 (1) of the said Act is amended by inserting after “1980” in the third line “or in a designated area before the effective date of the designation”.

s. 7 (2),
amended

- (2) Subsection 7 (2) of the said Act is amended by striking out “before the 30th day of June, 1980” in the third line and inserting in lieu thereof “in The Municipality of Metropolitan Toronto before the 30th day of June, 1980 or in a designated area before the effective date of the designation”.

s. 9 (1) (b),
re-enacted

- 6.—(1) Clause 9 (1) (b) of the said Act is repealed and the following substituted therefor:

(b) designating areas in the territorial jurisdiction of the Provincial Court;

(c) providing for sittings of the Provincial Court to be held at places in its territorial jurisdiction outside the local division in which the action is commenced but in the same judicial district.

s. 9 (3),
repealed

- (2) Subsection 9 (3) of the said Act is repealed.

s. 10,
repealed

7. Section 10 of the said Act is repealed.

Commence-
ment

8. This Act comes into force on the 1st day of January, 1983.

Short title

9. The short title of this Act is the *Provincial Court (Civil Division) Project Amendment Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec 21 1982

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend the Provincial
Court (Civil Division) Project Act

1st Reading

November 30th, 1982

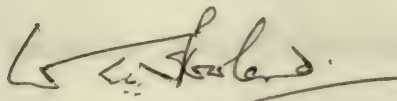
2nd Reading

December 17th, 1982

3rd Reading

December 21st, 1982

THE HON. R. McMURTRY
Attorney General



Bill 197

*(Chapter 15
Statutes of Ontario, 1983)*

An Act to amend the Power Corporation Act

The Hon. R. Welch
Minister of Energy

<i>1st Reading</i>	December 2nd, 1982
<i>2nd Reading</i>	February 3rd, 1983
<i>3rd Reading</i>	February 8th, 1983
<i>Royal Assent</i>	February 23rd, 1983

Bill 197 1982

An Act to amend the Power Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Power Corporation Act*, being chapter 384 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

s. 56g,
enacted

56g.—(1) For the purpose of facilitating the use and sale of heat energy produced by works of the Corporation in the Township of Bruce in the County of Bruce, the Corporation, with the approval of the Lieutenant Governor in Council,

Bruce energy
centre

- (a) may acquire by purchase or lease, may hold, develop, use and subdivide and may sell, lease or otherwise dispose of land in the County of Bruce for agricultural, aquacultural, commercial or industrial purposes;
- (b) may acquire by purchase or lease, may construct, install, maintain, operate and use and may sell, lease or otherwise dispose of buildings, facilities (including facilities for transportation, for communication and for public utilities) and municipal services;
- (c) may make or guarantee loans to persons who operate or who propose to operate agricultural, aquacultural, commercial or industrial enterprises utilizing heat energy, and the loans or guarantees may be made upon such terms and conditions, including terms and conditions in respect of security, repayment, costs of recovery and interest, as the Corporation determines;
- (d) may receive, may acquire by purchase or lease and may hold, use, sell, lease or otherwise dispose of personal property, and the personal property may be shares or evidences of indebtedness of a corporation that owns or controls real property or personal prop-

erty related to land or the use of land dealt with by the Corporation under clause (a) or that the Corporation proposes to acquire under clause (a).

Application
of s. 46

(2) Section 46 does not apply in respect of property of the Corporation mentioned in clauses (1) (a) to (d).

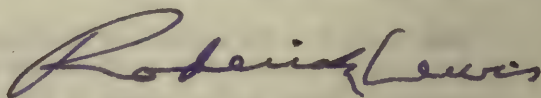
Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Power Corporation Amendment Act, 1983*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE February 23, 1983

A handwritten signature in dark ink, appearing to read "Robert Lewis", is written in a cursive style.

CLERK
LEGISLATIVE ASSEMBLY

BILL 198

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to provide for an Interim Restraint on the Pass Through of Financing Costs in respect of Residential Complexes

THE HON. R. G. ELGIE
Minister of Consumer and Commercial Relations

BILL 198

1982

An Act to provide for an Interim Restraint on the Pass Through of Financing Costs in respect of Residential Complexes

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Words and expressions in this Act that are defined in the *Residential Tenancies Act* have the same meaning in this Act as they have in the *Residential Tenancies Act*, unless the context of this Act otherwise requires. Interpretation
R.S.O. 1980,
c. 452

(2) For the purposes of this Act and the *Residential Tenancies Act*, “purchase” means the acquisition of a residential complex by any means whatsoever and includes the acquisition, whether by way of transfer, assignment or otherwise, of an interest, in whole or in part, in an option to purchase or in an agreement to purchase a residential complex. Idem

2. This Act, except section 5, applies to any application by a landlord to the Commission under section 126 of the *Residential Tenancies Act*, Application

(a) where the application is made after the 31st day of October, 1982; or

(b) where the application is made on or before the 31st day of October, 1982 and,

(i) the hearing by the Commission pursuant to the application is commenced on or after the day this Act comes into force, and

(ii) the application is in respect of a residential complex that has been purchased more than once after the 31st day of October, 1979.

Limit
on rent
increase
attributable
to increased
financing costs
resulting from
purchase of
residential
complex
R.S.O. 1980,
c. 452

3.—(1) Despite section 131 of the *Residential Tenancies Act*, the Commission, when determining the total rent increase for a residential complex on the application of a landlord under section 126 of that Act, shall, where a financial loss arising out of an increase in financing costs resulting from his purchase of the residential complex, including such a financial loss carried forward from a preceding year, is claimed by the landlord as a part of his claim for a rent increase, allow (as the component of the total increase in rent determined by the Commission that is attributable to such increase in financing costs) not more than 5 per cent of the total of the last lawful rents that were charged for the residential complex.

Where
allowance for
financial loss
phased in

(2) Where in the opinion of the Commission, a rent increase of less than the maximum of 5 per cent allowed under subsection (1) is justified by reason of allowances for financial loss in respect of the increase in financing costs being phased in over a period of years, such lesser amount shall be the amount of rent increase authorized by the Commission in respect of the increase in financing costs.

Application of
R.S.O. 1980,
c. 452,
s. 131 (3)

4. The operation of subsection 131 (3) of the *Residential Tenancies Act* is suspended whenever a part of the rent increase that is to be determined is attributable to increases in financing costs resulting from any purchase of a residential complex.

How total
rent increase
to be
apportioned

5. The operation of subsection 131 (4) of the *Residential Tenancies Act* is suspended in respect of any application made to the Commission under section 126 of that Act where the hearing in respect of the application is commenced on or after the day this Act comes into force and despite the amount of the increase set out in a notice given under section 60 of the *Residential Tenancies Act* or under section 129 of the *Landlord and Tenant Act*,

R.S.O. 1980,
c. 232

(a) the Commission shall apportion the total rent increase determined under subsections 131 (1) and (3) of the *Residential Tenancies Act* equally amongst the rental units in the residential complex, on a percentage basis; and

(b) the landlord may increase the rent charged for each rental unit in the residential complex by an amount not exceeding the amount set out in the Commission's order.

Commence-
ment

6. This Act comes into force on the day after the day it receives Royal Assent.

Repeal

7.—(1) This Act is repealed on the 31st day of December, 1983.

(2) Despite subsection (1), this Act continues in force for the ^{Saving} purpose of hearing and making orders in respect of applications made to the Commission under section 126 of the *Residential Tenancies Act* on or before the 30th day of December, 1983 and not finally disposed of by the Commission on or before that day, and to appeals therefrom. R.S.O. 1980,
c. 452

8. The short title of this Act is the *Residential Complexes Financing Costs Restraint Act, 1982*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec 21. 1982

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to provide for an Interim Restraint
on the Pass Through of Financing Costs in
respect of Residential Complexes

1st Reading

December 2nd, 1982

2nd Reading

December 16th, 1982

3rd Reading

December 21st, 1982

THE HON. R. G. ELGIE
Minister of Consumer and
Commercial Relations

BILL 199

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

John B. ...

An Act to amend the Law Society Act

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 199

1982

An Act to amend the Law Society Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Law Society Act*, being chapter 233 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(i) "Under Treasurer" means the Under Treasurer of the Society.
2. Section 8 of the said Act is repealed and the following substituted therefor:

8.—(1) The Under Treasurer shall, under the control of the Treasurer and Convocation, manage the affairs and functions of the Society as its chief operating officer.

(2) The Secretary shall carry out his duties under this Act, the regulations and rules and such other duties as he may be instructed to undertake by the Treasurer, Under Treasurer and Convocation.
3. Paragraph 8 of subsection 62 (1) of the said Act is amended by inserting after "duties" in the second line "of the Under Treasurer and".
4. This Act comes into force on the day it receives Royal Assent.
5. The short title of this Act is the *Law Society Amendment Act*, 1982.

s. 1,
amendeds. 8,
re-enactedUnder
Treasurer

Secretary

s. 62 (1),
par. 8,
amendedCommence-
ment

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec 21 1982

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend the Law Society Act

1st Reading

December 3rd, 1982

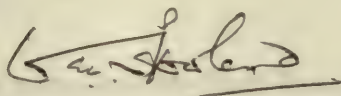
2nd Reading

December 21st, 1982

3rd Reading

December 21st, 1982

THE HON. R. McMURTRY
Attorney General



Bill 203

*(Chapter 16
Statutes of Ontario, 1983)*

An Act to amend the Fuel Tax Act, 1981

The Hon. G. L. Ashe
Minister of Revenue

<i>1st Reading</i>	December 10th, 1982
<i>2nd Reading</i>	February 1st, 1983
<i>3rd Reading</i>	February 3rd, 1983
<i>Royal Assent</i>	February 23rd, 1983

Bill 203 1983 (1ST SESSION)

1982

An Act to amend the Fuel Tax Act, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 (1) of the *Fuel Tax Act, 1981*, being chapter 59, is amended by inserting after "required" in the first line "by the regulations". s. 3 (1),
amended

2.—(1) Clause 30 (1) (h) of the said Act is repealed and the following substituted therefor: s. 30 (1) (h),
re-enacted

- (h) authorizing or requiring the Deputy Minister of Revenue or any officer of the Ministry of Revenue to exercise any power or perform any duty conferred or imposed on the Minister by this Act or the regulations.

(2) Subsection 30 (2) of the said Act is amended by adding thereto the following clauses: s. 30 (2),
amended

- (r) prescribing those interjurisdictional carriers required to hold a registration certificate under section 3;
- (s) prescribing the location on equipment used to colour, store, transport or deliver coloured fuel where identifying labels or seals must be affixed;
- (t) prescribing the time and manner for delivering a return under subsection 10 (1).

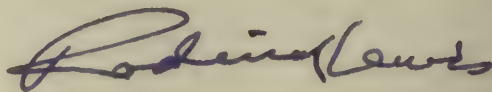
3. Subsection 31 (2) of the said Act is repealed.

s. 31 (2),
repealed

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. The short title of this Act is the *Fuel Tax Amendment Act, 1983*. Short title

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE February 23, 1983



CLERK
LEGISLATIVE ASSEMBLY

BILL 205

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

John B. ...

An Act to amend the Workmen's Compensation Act

THE HON. R. H. RAMSAY
Minister of Labour

BILL 205

1982

An Act to amend the Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title of the *Workmen's Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: Title,
re-enacted

Workers' Compensation Act

2. The said Act, except sections 72, 74 and 83, is amended by striking out "employee", "employee's", "employees" and "employees' " Act,
amended wherever such expressions occur and inserting in lieu thereof in each instance "worker", "worker's", "workers" and "workers' ", as the case may be.
- 3.—(1) Clause 1 (1) (c) of the said Act is repealed and the following substituted therefor: s. 1 (1) (c),
re-enacted
 - (c) "Board" means the Workers' Compensation Board.
 - (2) Clause 1 (1) (j) of the said Act is repealed. s. 1 (1) (j),
repealed
 - (3) Subsection 1 (1) of the said Act is amended by adding thereto the following clause: s. 1 (1),
amended
 - (z) "worker" includes a person who has entered into or is employed under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise, and includes a learner, a member of a municipal volunteer fire brigade, a member of a municipal volunteer ambulance brigade, an auxiliary member of a police force, a person deemed to be a worker under section 11, and a person who is summoned to assist in controlling and extinguishing a fire under the *Forest Fires Prevention Act* or who assists in any search and rescue operation at the request of and

R.S.O. 1980,
c. 173

under the direction of a member of the Ontario Provincial Police Force but, where used in Part I, does not include an outworker or an executive officer of a corporation or a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business.

s. 36 (1) (a, c,
d, e, f),
re-enacted

4.—(1) Clauses 36 (1) (a), (c), (d), (e) and (f) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 30, section 1, are repealed and the following substituted therefor:

(a) the necessary expenses of the burial or cremation of the worker, not exceeding \$1,300;

.

(c) where the widow or widower is the sole dependant, a monthly payment of \$537, effective the 1st day of July, 1982;

(d) where the dependants are a widow or widower and one or more children, a monthly payment of \$537 with an additional monthly payment of \$149 to be increased upon the death of the widow or widower to \$167 for each child under the age of sixteen years, effective the 1st day of July, 1982;

(e) where the dependants are children, for each child under the age of sixteen years, a monthly payment of \$167, effective the 1st day of July, 1982;

(f) where there are dependants other than those mentioned in clauses (c), (d) and (e), and there are no dependants who are persons referred to in the said clauses, a sum reasonable and proportionate to the pecuniary loss to such first-mentioned dependants occasioned by the death, to be determined by the Board, but not exceeding, in the whole, \$537 a month effective the 1st day of July, 1982.

Application

(2) Clause 36 (1) (a) of the said Act, as re-enacted by subsection (1) of this section, applies only where the death occurs on or after the 1st day of July, 1982.

Idem

(3) Clauses 36 (1) (c), (d), (e) and (f) of the said Act, as re-enacted by subsection (1) of this section, apply to payments accruing after the effective date, but nothing therein entitles any person to claim additional compensation for any period prior to the effective date.

- (4) The amounts payable under clauses 36 (1) (c), (d), (e) and (f) of the said Act, as re-enacted by subsection (1) of this section, do not apply to a lump sum award or to payments due prior to the effective date. Idem

- 5.—(1) Subsection 36 (6) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 30, section 2, is repealed and the following substituted therefor: s. 36 (6),
re-enacted

(6) In addition to any other compensation provided for, the widow or widower, or where the worker leaves no widow or widower, the person described in subsection (5), is entitled to a lump sum of \$1,300. Payment of
lump sum

- (2) Subsection 36 (6) of the said Act, as re-enacted by subsection (1) of this section, applies only where the death occurs on or after the 1st day of July, 1982. Application

- 6.—(1) Subsection 42 (2) of the said Act is amended by striking out “and nothing therein entitles any person to more than one adjustment to his rate of compensation under subsection (1)” in the fifth and sixth lines. s. 42 (2),
amended

- (2) Section 42 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 30, section 3, is further amended by adding thereto the following subsections: s. 42,
amended

(5) Notwithstanding subsections (1) and (3), where the worker is not working and is in receipt of temporary disability benefits and has continuously received temporary disability benefits for the immediately preceding thirty-six months, the Board shall adjust the rate of compensation being paid by adding thereto an additional 9 per cent of the compensation rate being paid, but the compensation rate so adjusted shall not exceed the maximum established by sections 39 and 45. Further
adjustment

(6) Subsection (5) applies to payments accruing on and after the 1st day of July, 1982, but nothing therein entitles any person to claim additional compensation for any period prior to the day next following the end of the thirty-six month period referred to in subsection (5) and nothing therein entitles any person to more than one adjustment of the rate of compensation under subsection (5). Application

7. Subsections 43 (8) to (11) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 30, section 4, are repealed and the following substituted therefor: s. 43 (8, 9),
re-enacted;
s. 43 (10, 11),
repealed

(8) The amounts payable under this section shall be increased if the injury occurred on or before the 30th day of June, 1982, by Increase in
payments

adding thereto a factor of 9 per cent effective the 1st day of July, 1982, but the amounts of compensation to which a worker is entitled shall not exceed the like proportion of 75 per cent of the rate of average earnings computed under subsection 45 (1) effective on the 1st day of July, 1982, for amounts accruing on and after the 1st day of July, 1982.

Non-
application
of subs. (8)

(9) Subsection (8) does not apply to a lump sum award previously made by the Board under this Part, including an award that was previously commuted or paid as a lump sum under subsection (4), an award under subsection (6) or an award under clause 44 (b).

s. 44,
re-enacted

8.—(1) Section 44 of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 30, section 5, is repealed and the following substituted therefor:

Minimum
amount of
compensation

44. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured worker is entitled shall not be less than,

(a) for temporary total disability,

(i) \$170 a week, where the worker's average earnings were not less than \$170 a week, from the 1st day of July, 1982, and

(ii) the amount of the worker's earnings, where the worker's average earnings are less than \$170 a week, from the 1st day of July, 1982,

and for temporary partial disability, a proportionate amount in accordance with the impairment of earning capacity; and

(b) for permanent disability, the pension computed in accordance with sections 43 and 45, but the amount of such pension shall not be less than,

(i) for permanent total disability, \$748 a month from the 1st day of July, 1982, and

(ii) for permanent partial disability, an amount proportionate to that mentioned in subclause (i) in accordance with the impairment of earning capacity; or

(c) alternatively to subclause (b) (i), for permanent total disability the benefits which would have been payable from time to time under clauses 36 (1) (c), (d) and (e)

and under section 38, as if the worker had died from the injury.

- (2) Section 44 of the said Act, as re-enacted by subsection (1) of this section, applies to accidents occurring on and after the 1st day of July, 1982, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1982. Application

- 9.—(1) Subsection 45 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 30, section 6, is repealed and the following substituted therefor: s. 45 (1),
re-enacted

(1) Average earnings shall be computed in such a manner as is best calculated to give the rate per week or month at which the worker was remunerated but not so as in any case to exceed the rate of \$24,200 per annum. How average
earnings to
be computed

- (2) Subsection 45 (1) of the said Act, as re-enacted by subsection (1) of this section, applies to accidents occurring on and after the 1st day of July, 1982, and to benefits arising under subsection 42 (1) and subsection 43 (8) of the said Act, as re-enacted by section 7 of this Act, but does not apply to a commutation lump sum award previously made, including an award under subsection 43 (4), or to an award made under subsection 43 (6), or to an award under clause 44 (b) of the said Act, and nothing in subsection (1) of this section entitles any person to claim additional compensation for any period prior to the 1st day of July, 1982. Application

- 10.—(1) Clause 52 (3) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 30, section 7, is repealed and the following substituted therefor: s. 52 (3) (b),
re-enacted

(b) on application, an allowance not exceeding \$316 per annum for the replacement or repair of clothing worn or damaged by reason of the wearing of a lower limb prosthesis or a back brace for a permanent back disability or a permanent leg brace, and not exceeding \$158 per annum in respect of an upper limb prosthesis, where such lower or upper limb prosthesis, back brace or permanent leg brace is supplied by the Board,

- (2) Clause 52 (3) (b) of the said Act, as re-enacted by subsection (1) of this section, applies to payments accruing on and after the 1st day of July, 1982, but nothing therein entitles any person to claim additional payment for any period before the 1st day of July, 1982. Application

s. 55 (1),
re-enacted

- 11.** Subsection 55 (1) of the said Act is repealed and the following substituted therefor:

Board
continued,
name
changed

(1) The body corporate incorporated under the name "Workmen's Compensation Board" is hereby continued under the name "Workers' Compensation Board".

Rights, etc.,
not affected

(1a) The change in the name of the Board does not affect its rights or obligations.

s. 74 (1),
re-enacted

- 12.** Subsection 74 (1) of the said Act is repealed and the following substituted therefor:

Super-
annuation
Fund

(1) The fund known as the "Workmen's Compensation Board Superannuation Fund" for the payment of superannuation allowances or allowances upon the death or disability of an employee or commissioner of the Board, is hereby continued under the name "Workers' Compensation Board Superannuation Fund".

Rights, etc.,
not affected

(1a) The change in the name of the fund does not affect the rights or obligations of the fund.

References
in other
Acts, etc.
R.S.O. 1980,
c. 539

- 13.** A reference to the *Workmen's Compensation Act*, the Workmen's Compensation Board or the Workmen's Compensation Board Superannuation Fund in any Act, regulation, by-law, agreement or other document shall be deemed to be a reference to the *Workers' Compensation Act*, the Workers' Compensation Board and the Workers' Compensation Board Superannuation Fund, respectively.

Commence-
ment

- 14.** This Act comes into force on the day it receives Royal Assent.

Short title

- 15.** The short title of this Act is the *Workmen's Compensation Amendment Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec 21 1982

Rodney Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend the
Workmen's Compensation Act

1st Reading

December 10th, 1982

2nd Reading

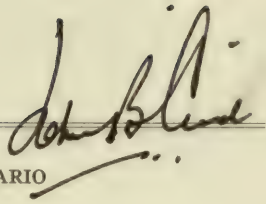
December 16th, 1982

3rd Reading

December 21st, 1982

THE HON. R. H. RAMSAY
Minister of Labour

BILL 212



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to amend the Loan and Trust Corporations Act

THE HON. R. G. ELGIE
Minister of Consumer and Commercial Relations

BILL 212

1982

An Act to amend the Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 77 (1) of the *Loan and Trust Corporations Act*, ^{s. 77 (1), amended} being chapter 249 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(d) “voting share” means any security, as defined in the *Securities Act*, other than a debt security, of a company ^{R.S.O. 1980, c. 466} carrying a voting right either under all circumstances or under some circumstances that have occurred and are continuing and includes,

- (i) a security currently convertible into a voting share or into another security that is convertible into a voting share,
- (ii) a currently exercisable option or right to acquire a voting share or another security that is convertible into a voting share, or
- (iii) a security carrying an option or right referred to in subclause (ii).

- (2) Section 77 of the said Act is amended by adding thereto the ^{s. 77, amended} following subsection:

(4) For the purposes of sections 78 to 82, a company shall be ^{Deemed control} deemed to be controlled by another person or company or by two or more companies if voting securities of the first-mentioned company carrying more than 10 per cent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of the other person or company or by or for the benefit of the other companies.

2. Section 81 of the said Act is repealed and the following substituted ^{s. 81, re-enacted} therefor:

81.—(1) No transfer or issue of shares of a corporation shall be entered in the books of the corporation maintained under section 91 until the consent of the Registrar has been filed with the corporation, if,

- (a) when the total number of shares of a class of voting shares of the corporation held by a person and by other shareholders associated with him, if any, exceeds 10 per cent of the total number of the issued and outstanding shares of that class, the transfer or issue would increase the percentage of shares of that class held by such person and by other shareholders associated with him, if any; or
- (b) when the total number of shares of a class of voting shares of the corporation held by a person and by other shareholders associated with him, if any, is 10 per cent or less of the total number of issued and outstanding shares of that class, the transfer or issue would cause the total number of shares of that class held by such person and by other shareholders associated with him, if any, to exceed 10 per cent of the issued and outstanding shares of that class,

and until the consent of the Registrar is filed with the corporation, no person shall, in person or by proxy, exercise the voting rights pertaining to any of the voting shares that are held by or in the name of the shareholder or by or in the name of any person associated with the shareholder.

Idem

(2) For the purposes of this section, a transfer or issue of shares of a holding company shall be deemed to be a transfer or issue of shares of a corporation to which this section applies, if,

- (a) when the total number of shares of a class of voting shares of the company held by a person and by other shareholders associated with him, if any, exceeds 10 per cent of the total number of the issued and outstanding shares of that class, the transfer or issue would increase the percentage of shares of that class held by such person and by other shareholders associated with him, if any; or
- (b) when the total number of shares of a class of voting shares of the company held by a person and by other shareholders associated with him, if any, is 10 per cent or less of the total number of issued and outstanding shares of that class, the transfer or issue would cause the total number of shares of that class held by such person and by other shareholders associated with him,

if any, to exceed 10 per cent of the issued and outstanding shares of that class,

and notwithstanding that ownership of shares has been entered in the books of the corporation maintained under section 91, until the consent of the Registrar is filed with the corporation, no person shall, in person or by proxy, exercise the voting rights pertaining to any voting shares of the corporation that are held by or in the name of the holding company or by or in the name of any person associated with the holding company.

(3) A person to whom shares are to be transferred or issued in circumstances that require the consent of the Registrar under subsection (1) or (2) may apply, in writing, to the Registrar for his consent. Application to Registrar

(4) The Registrar may from time to time, in writing, direct a corporation to obtain from any person in whose name a share of the corporation is held or beneficially owned a declaration containing information, Declaration may be required

- (a) concerning the ownership or beneficial ownership of such share;
- (b) whether such share is held or beneficially owned by a person who is associated with any other person and the name of that other person where applicable;
- (c) concerning the ownership or beneficial ownership of the shares of a holding company; and
- (d) concerning such other related matters as are specified by the Registrar,

and as soon as possible after the receipt of a direction from the Registrar under this subsection, the directors of the corporation shall comply therewith and every person who is requested by the corporation to provide a declaration containing information referred to in this subsection shall forthwith comply with the request by submitting the completed declaration to the Registrar.

(5) For the purposes of this section,

Interpretation

- (a) a person is deemed to be associated with another person if there exists between those persons any relationship referred to in subsection 77 (2) that, if both such persons were shareholders, would cause those shareholders to be deemed to be associated pursuant to that subsection;

- (b) "holding company" means a company, individual or trust that, by itself or with any company, individual or trust associated with it, if any, holds or controls 10 per cent or more of the total number of issued and outstanding shares of a class of voting shares of a corporation.

Regulations

(6) The Lieutenant Governor in Council may make regulations prescribing the form and content of the declaration required to be submitted under subsection (4) and requiring the use of any form so prescribed.

Refusal of consent

(7) The Registrar may refuse his consent under subsection (1) or (2) where, in his opinion, it would be in the public interest to do so and without limiting the generality of the foregoing the Registrar may refuse his consent where the shareholder or holding company or any person associated with the shareholder or holding company,

(a) is or has been bankrupt;

(b) has been convicted of a criminal offence, an offence under this Act or an offence under the *Securities Act*;

(c) is or has been subject to a cease trading order under the *Securities Act*; or

(d) is under examination under section 152.

Hearing

(8) Where the Registrar proposes to refuse his consent under subsection (1) or (2), he shall forthwith advise the applicant and he shall give the applicant a reasonable time to be heard by him before making his decision.

L.G. in C. may confirm, vary or rescind decision

(9) Upon the petition of the applicant, filed with the Clerk of the Executive Council within twenty-eight days after the date of the decision of the Registrar under subsection (8), the Lieutenant Governor in Council may,

(a) confirm, vary or rescind the whole or any part of such decision; or

(b) require the Registrar to hold a new public hearing of the whole or any part of the application to the Registrar upon which such decision of the Registrar was made,

and the decision of the Registrar after the public hearing ordered under clause (b) is not subject to petition under this section.

(10) Except as provided in subsection (9), a decision of the Registrar under this section is final and binding and no such decision or decision as confirmed or varied under subsection (9) shall be stayed, varied or set aside by any court. Decision final and binding

(11) A consent of the Registrar under subsection (1) or (2) takes effect on the date set out in the consent and the effective date may be a date prior to the date the consent is given. Effective date of consent

(12) The Registrar, with the approval of the Lieutenant Governor in Council, may by order exempt any corporation, company or other person from the application of this section, in whole or in part, on such terms and conditions as are set out in the order and when any such order is filed with the corporation named in the order, it shall be deemed to be a consent of the Registrar for the purposes of this section so long as the terms and conditions of the order have been complied with. Exemptions

3. The said Act is amended by adding thereto the following section: s. 158a, enacted

158a.—(1) Notwithstanding any other provision of this Act, the Lieutenant Governor in Council, without holding a hearing, may order, Orders imposing limitations and conditions or for taking possession and control

- (a) that a corporation's registry shall be subject to such limitations or conditions as are set out in the order; or
- (b) that the Registrar take possession and control of the assets of a corporation,

where, in the opinion of the Lieutenant Governor in Council, one or more of the following has occurred:

1. There has been, on or after the 21st day of December, 1982, a transfer or issue of shares to which subsection 81 (1) or (2) applies and the consent of the Registrar has not been obtained under section 81.
2. The corporation has defaulted on payment of any of its liabilities.
3. The corporation is not complying with this Act or the regulations made under this Act.
4. The corporation's assets are not satisfactorily accounted for.
5. The corporation's assets are not sufficient, having regard to all the circumstances, to give adequate protection to the corporation's depositors.

6. There exists any practice of or state of affairs within the corporation that is or may be prejudicial to the public interest or to the interests of the corporation's depositors, creditors or shareholders.

Delivery
of order

(2) Where the Lieutenant Governor in Council makes an order under subsection (1), the Registrar shall deliver a copy of the order to an officer of the corporation.

Order
final and
binding

(3) An order of the Lieutenant Governor in Council under subsection (1) shall take effect immediately and the order is final and binding and no such order or any order made under subsection 160a (1) confirming or varying such order shall be stayed, varied or set aside by any court.

Appointment
of appraiser

(4) For the purposes of this section, the Lieutenant Governor in Council may appoint such persons as the Lieutenant Governor in Council considers necessary to value and appraise the assets and liabilities of the corporation and report upon its condition and its ability, or otherwise, to meet its liabilities.

Limitation

(5) Where the Lieutenant Governor in Council makes an order under clause (1) (b) and the corporation is other than a provincial corporation, the order shall be limited to the possession and control of assets in Ontario.

Application

(6) Where the Lieutenant Governor in Council makes an order under subsection (1) and the corporation is other than a provincial corporation, section 159 applies to the corporation as if it were a provincial corporation.

s. 159 (1),
amended

4.—(1) Subsection 159 (1) of the said Act is amended by inserting after "158" in the second line "or 158a" and by inserting after "rehabilitation" in the fifth line "or where an order is made under paragraph 1 of section 158a, its continued operation".

s. 159 (6),
amended

(2) Subsection 159 (6) of the said Act is amended by striking out "rehabilitation proceedings under this section and sections 157 and 158" in the first and second lines and inserting in lieu thereof "proceedings under this section, sections 157 and 158 and clause 158a (b)".

s. 160a,
enacted

5. The said Act is further amended by adding thereto the following section:

L.G. in C.
may confirm,
vary or
rescind
orders

160a.—(1) Upon the petition of any party or person interested, filed with the Clerk of the Executive Council within sixty days after the date of any order made under subsection 158a (1), the Lieutenant Governor in Council may confirm, vary or rescind the whole or any part of such order and an order

confirming or varying an order made under subsection 158*a* (1) is final and binding.

(2) Nothing in this section or section 158*a* affects the right of the Lieutenant Governor in Council to vary or rescind, at any time, an order made under subsection 158*a* (1). Saving

6.—(1) Subsection 165 (3) of the said Act is amended by striking out “other than a provincial corporation” in the second line. s. 165 (3),
amended

(2) Section 165 of the said Act is amended by adding thereto the following subsection: s. 165,
amended

(7) Where under this or any other provision of this Act, a term, limitation or condition is imposed on a corporation’s registry, the corporation shall not transact or undertake business in contravention of any such term, limitation or condition. Effect
of terms

7. Section 193 of the said Act is amended by striking out “request” where it appears in the first and fourth lines and inserting in lieu thereof, in each instance, “order”. s. 193,
amended

8. Sections 204 and 205 of the said Act are repealed and the following substituted therefor: ss. 204, 205,
re-enacted

204.—(1) Where it appears to the Registrar that any person or corporation has failed to comply with or is violating any decision or any provision of this Act or the regulations or an order made under this Act, the Registrar may, notwithstanding the imposition of any penalty in respect of such non-compliance or violation and in addition to any other rights that the Registrar may have, apply to a judge of the High Court for an order, Order for
compliance

(a) directing the person or corporation to comply with the decision, provision or order or restraining the person or corporation from violating the decision, provision or order; and

(b) directing the directors and officers of the person or corporation to cause the person or corporation to comply with or to cease violating the decision, provision or order,

and upon the application, the judge may make such order, or such other order as he thinks fit.

(2) An appeal lies to the Divisional Court from an order made under subsection (1). Appeal

General
penalty

205.—(1) Unless otherwise provided, every person who, knowingly,

- (a) furnishes false information in any application under this Act or in any statement, declaration, return or answer required to be furnished by or under this Act or the regulations made under this Act;
- (b) fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations made under this Act,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.

Idem

(2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed on the corporation is \$100,000.

Penalty for
carrying on
business
without
licence

(3) Every person who, without being registered under this Act,

- (a) carries on business as a loan corporation or a trust company in Ontario; or
- (b) does or performs any one or more of the acts constituting the business of a loan corporation or a trust company in Ontario,

is guilty of an offence and on conviction is liable to a fine of not more than \$100,000.

Penalty for
default in
making returns

(4) In case of default in making a return required by this Act to be made within a limited time, the corporation or the person required by this Act to make the return shall, in addition to the fine provided by subsection (1), incur a further fine of \$5,000 for every month or part thereof during which the corporation or person neglects to file the return so required.

Limitation

(5) No proceeding in relation to an offence under this Act shall be commenced in a court more than one year after the facts upon which the proceedings are based first came to the knowledge of the Registrar.

Application

9. *The Loan and Trust Corporations Act*, as amended by this Act, applies to every transfer or issue of shares to be completed or made

on or after the 21st day of December, 1982, notwithstanding that an agreement or other arrangement with respect to the transfer or issue of the share was made or executed before that date.

10. This Act shall be deemed to have come into force on the 21st day of December, 1982. Commence-
ment
11. The short title of this Act is the *Loan and Trust Corporations Amendment Act, 1982*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec 21 1982

Rodney Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend the
Loan and Trust Corporations Act

1st Reading

December 21st, 1982

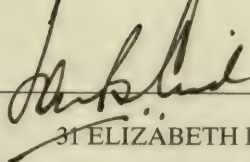
2nd Reading

December 21st, 1982

3rd Reading

December 21st, 1982

THE HON. R. G. ELGIE
Minister of Consumer and Commercial
Relations



Bill 215

*(Chapter 7
Statutes of Ontario, 1983)*

An Act respecting Crown Trust Company

The Hon. R. G. Elgie
Minister of Consumer and Commercial Relations

<i>1st Reading</i>	January 24th, 1983
<i>2nd Reading</i>	January 27th, 1983
<i>3rd Reading</i>	February 1st, 1983
<i>Royal Assent</i>	February 1st, 1983

Bill 215

1983

An Act respecting Crown Trust Company

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "fiduciary" means fiduciary as defined in subsection 144 (1) of the *Loan and Trust Corporations Act*;
- (b) "instrument" means instrument as defined in subsection 144 (1) of the *Loan and Trust Corporations Act*;
- (c) "purchaser" means a person who enters into an agreement with the Registrar under subsection 4 (2);
- (d) "Registrar" means the Registrar appointed under the *Loan and Trust Corporations Act*;
- (e) "substituted fiduciary" means a person who enters into an agreement with the Registrar under subsection 4 (3).

R.S.O. 1980,
c. 249

2. The purpose of this Act is to facilitate the preservation of certain assets and obligations of Crown Trust Company, including deposit accounts and trust property, through arrangements for their sale or management.

Purpose

3.—(1) Without limiting the powers and authority of the Registrar under section 159 of the *Loan and Trust Corporations Act*, and notwithstanding anything contained therein, while the Registrar is in possession and control of the assets of Crown Trust Company under section 158a of the *Loan and Trust Corporations Act*,

Powers of
Registrar

- (a) the Registrar has full power and authority to conduct, manage, operate and administer the business, affairs, undertaking, operations, assets, liabilities

and obligations of Crown Trust Company on its behalf for all purposes, including without limitation for the purpose of the winding down or orderly discontinuance of its business, affairs, undertaking and operations and the effecting of arrangements under section 4;

- (b) the Registrar has the sole and exclusive right to exercise all powers and authority of Crown Trust Company and its officers, directors and shareholders; and
- (c) no officer, director or shareholder of Crown Trust Company may exercise any power or authority in that capacity.

Agreement
for
management

(2) The Registrar may, with the approval of the Lieutenant Governor in Council, enter into one or more agreements with any person or persons providing for the exercise by such person or persons of all or any of the powers and authority of the Registrar under this section to conduct, manage, operate or administer all or any part of the business, affairs, undertaking, operations, assets, liabilities and obligations of Crown Trust Company on such terms and conditions, and for such reasonable remuneration, as may be provided for in the agreement.

Remuneration

(3) Any reasonable remuneration payable to any person under an agreement entered into under this Act and any expenses incurred by the Registrar in carrying out the provisions of this Act may be paid out of the assets of Crown Trust Company or any income therefrom or any proceeds of disposition thereof.

Agreements
to be tabled

(4) Any agreement entered into under subsection (2) shall be laid before the Assembly by the Minister of Consumer and Commercial Relations upon its approval by the Lieutenant Governor in Council, if the Assembly is then in session, or if not, at the next ensuing session.

Authority of
Registrar

4.—(1) The Registrar has full power and authority, for and in the name of and on behalf of Crown Trust Company, by agreement under subsection (2) or (3),

- (a) to sell, assign, transfer or otherwise dispose of all or any part or parts of the business, affairs, undertaking, operations, assets, liabilities and obligations of Crown Trust Company; and
- (b) to appoint any person as the substituted fiduciary under any instrument in respect of which Crown

Trust Company is a fiduciary, whether named therein or not.

(2) For the purposes of exercising his powers and authority under clause (1) (a), the Registrar may at any time and from time to time enter into one or more agreements with any person or persons providing for the sale, assignment, transfer or other disposition to such person or persons of all or such part or parts of the business, affairs, undertaking, operations, assets, liabilities and obligations of Crown Trust Company as may be specified in the agreement or agreements for such consideration, and on such terms and conditions, as the Registrar considers to be appropriate.

Agreement
for transfer
of assets

(3) For the purposes of exercising his powers and authority under clause (1) (b), the Registrar may at any time and from time to time enter into one or more agreements with any person or persons providing for the appointment of such person or persons as the substituted fiduciary under such instrument or instruments as may be specified or described in the agreement or agreements in respect of which Crown Trust Company is a fiduciary, whether named therein or not, for such consideration, and on such terms and conditions, as the Registrar considers to be appropriate.

Agreement
for
performance
of fiduciary
function

(4) An agreement entered into by the Registrar under subsection (2) or (3) does not have effect unless it is approved by the Lieutenant Governor in Council.

Approval of
L.G. in C.

(5) Any agreement entered into under subsection (2) or (3) shall be laid before the Assembly by the Minister of Consumer and Commercial Relations upon its approval by the Lieutenant Governor in Council, if the Assembly is then in session, or if not, at the next ensuing session.

Agreements
to be tabled

5.—(1) The provisions of the *Loan and Trust Corporations Act* respecting the sale and purchase of the assets of a trust company, including without limitation the provisions of sections 134 to 145 thereof, do not apply to any sale and purchase of any of the assets of Crown Trust Company under this Act.

Application
of R.S.O.
1980, c. 249

(2) The provisions of the *Bulk Sales Act* do not apply to any sale and purchase of any of the assets of Crown Trust Company under this Act.

Application
of R.S.O.
1980, c. 52

(3) Where, as a result of the implementation of an agreement entered into with the Registrar under section 4, the purchaser or substituted fiduciary thereunder is in contravention of any provision of the *Loan and Trust Corporations Act*, the Lieutenant Governor in Council may, upon being satisfied that a

Waiver of
provisions of
R.S.O. 1980,
c. 249

waiver or variation of the application of the provision is necessary in the public interest and to further the purpose of this Act, by order waive or vary the application of the provision for such period and subject to such terms and conditions as the Lieutenant Governor in Council specifies in the order.

Idem

(4) Where Crown Trust Company is in contravention of any provision of the *Loan and Trust Corporations Act* while the Registrar is in possession and control of its assets, the Lieutenant Governor in Council may, upon being satisfied that a waiver or variation of the application of the provision is necessary in the public interest and to further the purpose of this Act, by order waive or vary the application of the provision for such period and subject to such terms and conditions as the Lieutenant Governor in Council specifies in the order.

Application
of
R.S.O. 1980,
c. 446

(5) An order made under subsection (3) or (4) is a regulation within the meaning of the *Regulations Act*.

Substitution
of fiduciary

6.—(1) At and from the effective time of any agreement entered into with the Registrar under subsection 4 (3), every obligation and trust in respect of which Crown Trust Company is a fiduciary under an instrument or instruments specified or described in the agreement vests in, binds and may be enforced against the substituted fiduciary as fully and effectually as if the substituted fiduciary were originally named as fiduciary therein.

Substitution
of court
appointed
fiduciaries

(2) In all probates, administrations, guardianships, curatorships or appointments of administrator or guardian *ad litem*,

- (a) that are issued by a court in Ontario to Crown Trust Company;
- (b) that are specified or described in an agreement entered into with the Registrar under subsection 4 (3); and
- (c) from which, at the effective time of such agreement, Crown Trust Company has not been finally discharged,

the substituted fiduciary shall, as and from that time, be substituted for Crown Trust Company for all purposes.

Substitution
of fiduciaries,
other
instruments

(3) Where an instrument specified or described in any agreement entered into with the Registrar under subsection 4 (3) names Crown Trust Company as a fiduciary or as the holder of a power of appointment, and the instrument takes effect after the effective time of such agreement, the substituted fiduciary

under such agreement shall be deemed to be named therein in the place of Crown Trust Company.

7. Where a purchaser or substituted fiduciary assumes an obligation or liability of Crown Trust Company, the obligation or liability becomes an obligation or liability of the purchaser or substituted fiduciary and may be enforced against the purchaser or substituted fiduciary as if he were a party thereto.

Enforcement of obligations

8. Any debtor of Crown Trust Company may make payments to Crown Trust Company until the Registrar gives or causes to be given notice in writing that payment shall be made to a purchaser or substituted fiduciary, and thereupon the debtor's obligation is owed to the purchaser or substituted fiduciary.

Payments to Crown Trust Company

9. While the Registrar is in possession and control of the assets of the Crown Trust Company under an order made under section 158a of the *Loan and Trust Corporations Act*,

Winding up

R.S.O. 1980, c. 249

(a) no person other than the Registrar may apply to a court for an order for the winding up of the Crown Trust Company under Part VI of the *Corporations Act* and any application for such winding up commenced, other than by the Registrar, after the 1st day of January, 1983 shall be deemed to be stayed until the Lieutenant Governor in Council may by order otherwise direct; and

R.S.O. 1980, c. 95

(b) no meeting of shareholders shall be called for the purpose of passing a resolution requiring the winding up of the Crown Trust Company under Part VI of the *Corporations Act* and any such resolution passed at any meeting of shareholders shall be deemed not to become effective until the Lieutenant Governor in Council may by order direct.

10.—(1) No action or other proceeding shall be instituted and no judgment shall be enforced against a purchaser or a substituted fiduciary or a person who has entered into an agreement with the Registrar under section 3 for any act or omission of the Registrar under this Act.

Immunity of purchaser, substituted fiduciary

(2) No sale, assignment, transfer or other disposition of all or any part or parts of the business, affairs, undertaking, operations, assets, liabilities and obligations of Crown Trust Company under this Act shall be held invalid, set aside, declared void, prohibited, enjoined, directed or otherwise reviewed by any court at the instance of any person other than the Registrar.

Proceedings by persons other than Registrar

Immunity of
Registrar

(3) No action or other proceeding shall be instituted and no judgment shall be enforced against the Registrar or anyone acting under the authority of the Registrar for any act or omission of such person under this Act, except an action against the Registrar otherwise available in law for the recovery of damages incurred as a result of any failure of the Registrar to act honestly and in good faith or to exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in discharging the duties and responsibilities of the Registrar in comparable circumstances having regard to the public interest.

Regulations
to
supplement
Act

11. The Lieutenant Governor in Council may make regulations authorizing all such acts or things not specifically provided for in this Act as, in the opinion of the Lieutenant Governor in Council, are necessary or advisable to carry out effectively the purposes of this Act.

Commencement

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. The short title of this Act is the *Crown Trust Company Act, 1983*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Feb 1 1983

Roderic Lewis

CLERK
LEGISLATIVE ASSEMBLY

Bill 216

*(Chapter 6
Statutes of Ontario, 1983)*

An Act to revise the Mechanics' Lien Act

The Hon. R. McMurtry
Attorney General

<i>1st Reading</i>	January 24th, 1983
<i>2nd Reading</i>	January 25th, 1983
<i>3rd Reading</i>	January 25th, 1983
<i>Royal Assent</i>	January 27th, 1983

Bill 216

1983

An Act to revise the Mechanics' Lien Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

1. "action" means an action under Part VIII;
2. "construction trade newspaper" means a newspaper having circulation generally throughout Ontario, that is published no less frequently than on all days except Saturdays and holidays, and in which calls for tender on construction contracts are customarily published, and that is primarily devoted to the publication of matters of concern to the construction industry;
3. "contract" means the contract between the owner and the contractor, and includes any amendment to that contract;
4. "contractor" means a person contracting with or employed directly by the owner or his agent to supply services or materials to an improvement;
5. "court" means the Supreme Court of Ontario;
6. "Crown" includes a Crown agency to which the *Crown Agency Act* applies; R.S.O. 1980,
c. 106
7. "holdback" means the 10 per cent of the value of the services or materials supplied under a contract or subcontract required to be withheld from payment by Part IV;
8. "improvement" means,
 - i. any alteration, addition or repair to, or

- ii. any construction, erection or installation on, any land, and includes the demolition or removal of any building, structure or works or part thereof, and “improved” has a corresponding meaning;
- 9. “interest in the premises” means an estate or interest of any nature, and includes a statutory right given or reserved to the Crown to enter any lands or premises belonging to any person or public authority for the purpose of doing any work, construction, repair or maintenance in, upon, through, over or under any lands or premises;
- 10. “land” includes any building, structure or works affixed to the land, or an appurtenance to any of them, but does not include the improvement;
- 11. “lien claimant” means a person having a preserved or perfected lien;
- 12. “materials” means every kind of movable property,
 - i. that becomes, or is intended to become, part of the improvement, or that is used directly in the making of the improvement, or that is used to facilitate directly the making of the improvement,
 - ii. that is equipment rented without an operator for use in the making of the improvement;
- 13. “mortgage” includes a charge and “mortgagee” includes a chargee;
- 14. “municipality” means a municipality as defined in the *Municipal Affairs Act* or a metropolitan, regional or district municipality, or a local board thereof;
- 15. “owner” means any person, including the Crown, having an interest in a premises at whose request and,
 - i. upon whose credit, or
 - ii. on whose behalf, or
 - iii. with whose privity or consent, or
 - iv. for whose direct benefit,

an improvement is made to the premises;

16. "payer" means the owner, contractor or subcontractor who is liable to pay for the materials or services supplied to an improvement under a contract or subcontract;
17. "payment certifier" means an architect, engineer or any other person upon whose certificate payments are made under a contract or subcontract;
18. "person having a lien" includes both a lien claimant and a person with an unpreserved lien;
19. "premises" includes,
 - i. the improvement,
 - ii. all materials supplied to the improvement, and
 - iii. the land occupied by the improvement, or enjoyed therewith, or the land upon or in respect of which the improvement was done or made;
20. "price" means the contract or subcontract price,
 - i. agreed upon between the parties, or
 - ii. where no specific price has been agreed upon between them, the actual value of the services or materials that have been supplied to the improvement under the contract or subcontract;
21. "services or materials" includes both services and materials;
22. "subcontract" means any agreement between the contractor and a subcontractor, or between two or more subcontractors, relating to the supply of services or materials to the improvement and includes any amendment to that agreement;
23. "subcontractor" means a person not contracting with or employed directly by the owner or his agent but who supplies services or materials to the improvement under an agreement with the contractor or under him with another subcontractor;
24. "suffers damages as a result" means suffers damages that could be reasonably foreseen to result;

25. "supply of services" means any work done or service performed upon or in respect of an improvement, and includes,
- i. the rental of equipment with an operator, and
 - ii. where the making of the planned improvement is not commenced, the supply of a design, plan, drawing or specification that in itself enhances the value of the owner's interest in the land,
- and a corresponding expression has a corresponding meaning;
26. "wages" means the money earned by a worker for work done by time or as piece work, and includes all monetary supplementary benefits, whether provided for by statute, contract or collective bargaining agreement;
27. "worker" means a person employed for wages in any kind of labour;
28. "workers' trust fund" means any trust fund maintained in whole or in part on behalf of any worker on an improvement and into which any monetary supplementary benefit is payable as wages for work done by the worker in respect of the improvement;
29. "written notice of a lien" includes a claim for lien and any written notice given by a lien claimant that,
- i. identifies his payer and identifies the premises, and
 - ii. states the amount that he has not been paid and is owed to him by his payer.

When
materials
supplied

(2) For the purposes of this Act, materials are supplied to an improvement when they are,

- (a) placed on the land on which the improvement is being made;
- (b) placed upon land designated by the owner or his agent that is in the immediate vicinity of the premises, but placing materials on the land so designated does not, of itself, make that land subject to a lien; or

- (c) in any event, incorporated into or used in making or facilitating directly the making of the improvement.

(3) A contractor or subcontractor to whom materials are supplied and who designates land under clause (2) (b) is deemed to be the owner's agent for that purpose, unless the person supplying the materials has actual notice to the contrary. Idem

2.—(1) For the purposes of this Act, a contract is substantially performed, When contract substantially performed

- (a) when the improvement to be made under that contract or a substantial part thereof is ready for use or is being used for the purposes intended; and
- (b) when the improvement to be made under that contract is capable of completion or, where there is a known defect, correction, at a cost of not more than,
 - (i) 3 per cent of the first \$500,000 of the contract price,
 - (ii) 2 per cent of the next \$500,000 of the contract price, and
 - (iii) 1 per cent of the balance of the contract price.

(2) For the purposes of this Act, where the improvement or a substantial part thereof is ready for use or is being used for the purposes intended and the remainder of the improvement cannot be completed expeditiously for reasons beyond the control of the contractor or, where the owner and the contractor agree not to complete the improvement expeditiously, the price of the services or materials remaining to be supplied and required to complete the improvement shall be deducted from the contract price in determining substantial performance. Idem

(3) For the purposes of this Act, a contract shall be deemed to be completed and services or materials shall be deemed to be last supplied to the improvement when the price of completion, correction of a known defect or last supply is not more than the lesser of, When contract deemed completed

- (a) 1 per cent of the contract price; and
- (b) \$1,000.

PART I

GENERAL

Act binds
Crown

R.S.O. 1980,
c. 290

3.—(1) Subject to section 16 (where lien does not attach to the premises), this Act binds the Crown but does not apply in respect of a contract as defined in the *Ministry of Transportation and Communications Creditors Payment Act*, and to which that Act applies.

Non-appli-
cation of
R.S.O. 1980,
c. 393, s. 7

(2) Section 7 of the *Proceedings Against the Crown Act* does not apply in respect of an action against the Crown under this Act.

Architect
does not have
lien
R.S.O. 1980,
c. 26

(3) Despite subsection 14 (1), an architect or the holder of a certificate of practice under the *Architects Act* does not have a lien.

No waiver of
rights

4. An agreement by any person who supplies services or materials to an improvement that this Act does not apply to him or that the remedies provided by it are not available for his benefit is void.

Contracts to
conform

5. Every contract or subcontract related to an improvement is deemed to be amended in so far as is necessary to be in conformity with this Act.

Minor irregu-
larities

6. No certificate, declaration or claim for lien is invalidated by reason only of a failure to comply strictly with subsection 32 (2) or (5), subsection 33 (1) or subsection 34 (5), unless in the opinion of the court a person has been prejudiced thereby, and then only to the extent of the prejudice suffered.

PART II

TRUST PROVISIONS

Owner's
trust,
amounts
received for
financing a
trust

7.—(1) All amounts received by an owner, other than the Crown or a municipality, that are to be used in the financing of the improvement, including any amount that is to be used in the payment of the purchase price of the land and the payment of prior encumbrances, constitute, subject to the payment of the purchase price of the land and prior encumbrances, a trust fund for the benefit of the contractor.

Amounts
certified as
payable

(2) Where amounts become payable under a contract to a contractor by the owner on a certificate of a payment certifier, an amount that is equal to an amount so certified that is in the

owner's hands or received by him at any time thereafter constitutes a trust fund for the benefit of the contractor.

(3) Where the substantial performance of a contract has been certified, or has been declared by the court, an amount that is equal to the unpaid price of the substantially performed portion of the contract that is in the owner's hands or is received by him at any time thereafter constitutes a trust fund for the benefit of the contractor.

Where
substantial
performance
certified

(4) The owner is the trustee of the trust fund created by subsection (1), (2) or (3), and he shall not appropriate or convert any part of a fund to his own use or to any use inconsistent with the trust until the contractor is paid all amounts related to the improvement owed to him by the owner.

Obligations
as trustee

8.—(1) All amounts,

- (a) owing to a contractor or subcontractor, whether or not due or payable; or
- (b) received by a contractor or subcontractor,

Contractor's
and sub-
contractor's
trust,
amounts
received a
trust

on account of the contract or subcontract price of an improvement constitute a trust fund for the benefit of the subcontractors and other persons who have supplied services or materials to the improvement who are owed amounts by the contractor or subcontractor.

(2) The contractor or subcontractor is the trustee of the trust fund created by subsection (1) and he shall not appropriate or convert any part of the fund to his own use or to any use inconsistent with the trust until all subcontractors and other persons who supply services or materials to the improvement are paid all amounts related to the improvement owed to them by him.

Obligations
as trustee

9.—(1) Where the owner's interest in a premises is sold by the owner, an amount equal to,

- (a) the value of the consideration received by the owner as a result of the sale,

Vendor's
trust,
amounts
received a
trust

less,

- (b) the reasonable expenses arising from the sale and the amount, if any, paid by the vendor to discharge any existing mortgage indebtedness on the premises,

constitutes a trust fund for the benefit of the contractor.

Obligations
as trustee

(2) The former owner is the trustee of the trust created by subsection (1), and he shall not appropriate or convert any part of the trust property to his own use or to any use inconsistent with the trust until the contractor is paid all amounts owed to him related to the improvement.

Payment
discharging
trust

10. Subject to Part IV (holdbacks), every payment by a trustee to a person he is liable to pay for services or materials supplied to the improvement discharges the trust of the trustee making the payment and his obligations and liability as trustee to all beneficiaries of the trust to the extent of the payment made by him.

Where trust
funds may be
reduced

11.—(1) Subject to Part IV, a trustee who pays in whole or in part for the supply of services or materials to an improvement out of money that is not subject to a trust under this Part may retain from trust funds an amount equal to that paid by him without being in breach of the trust.

Application
of trust funds
to discharge
loan

(2) Subject to Part IV, where a trustee pays in whole or in part for the supply of services or materials to an improvement out of money that is loaned to him, trust funds may be applied to discharge the loan to the extent that the lender's money was so used by the trustee, and the application of trust money does not constitute a breach of the trust.

Set-off by
trustee

12. Subject to Part IV, a trustee may, without being in breach of trust, retain from trust funds an amount that, as between himself and the person he is liable to pay under a contract or subcontract related to the improvement, is equal to the balance in the trustee's favour of all outstanding debts, claims or damages, whether or not related to the improvement.

Liability for
breach of
trust by
corporation

13.—(1) In addition to the persons who are otherwise liable in an action for breach of trust under this Part,

(a) every director or officer of a corporation; and

(b) any person, including an employee or agent of the corporation, who has effective control of a corporation or its relevant activities,

who assents to, or acquiesces in, conduct that he knows or reasonably ought to know amounts to breach of trust by the corporation is liable for the breach of trust.

(2) The question of whether a person has effective control of a corporation or its relevant activities is one of fact and in determining this the court may disregard the form of any transaction and the separate corporate existence of any participant.

Effective control of corporation

(3) Where more than one person is found liable or has admitted liability for a particular breach of trust under this Part, those persons are jointly and severally liable.

Joint and several liability

(4) A person who is found liable, or who has admitted liability, for a particular breach of a trust under this Part is entitled to recover contribution from any other person also liable for the breach in such amount as will result in equal contribution by all parties liable for the breach unless the court considers such apportionment would not be fair and, in that case, the court may direct such contribution or indemnity as the court considers appropriate in the circumstances.

Contribution

PART III

THE LIEN

14.—(1) A person who supplies services or materials to an improvement for an owner, contractor or subcontractor, has a lien upon the interest of the owner in the premises improved for the price of those services or materials.

Creation of lien

(2) No person is entitled to a lien for any interest on the amount owed to him in respect of the services or materials that have been supplied by him, but nothing in this subsection affects any right that he may otherwise have to recover that interest.

No lien for interest

15. A person's lien arises and takes effect when he first supplies his services or materials to the improvement.

When lien arises

16.—(1) A lien does not attach to the interest of the Crown in a premises.

Interest of Crown

(2) Where an improvement is made to a premises in which the Crown has an interest, but the Crown is not an owner within the meaning of this Act, the lien may attach to the interest of any other person in that premises.

Interest of person other than Crown

(3) Where the Crown is the owner of a premises within the meaning of this Act, or where the premises is,

Where lien does not attach to premises

- (a) a public street or highway owned by a municipality;
or

(b) a railway right-of-way,

the lien does not attach to the premises but constitutes a charge as provided in section 21, and the provisions of this Act shall have effect without requiring the registration of a claim for lien against the premises.

Limitation on
value of lien

17.—(1) The lien of a person is limited to the amount owing to him in relation to the improvement and, subject to Part IV (holdbacks), it is further limited to the least amount owed in relation to the improvement by a payer to the contractor or to any subcontractor whose contract or subcontract was in whole or in part performed by the supply of services or materials giving rise to the lien.

Idem

(2) Subject to Part IV, the total value of the liens of all members of a class, as defined in section 81, is limited to the least amount owed in relation to the improvement by a payer to the contractor or to any subcontractor whose contract or subcontract was in whole or in part performed by the supply of services or materials made by the members of the class.

Set-off

(3) Subject to Part IV, in determining the amount of a lien under subsection (1) or (2), there may be taken into account the amount that is, as between a payer and the person he is liable to pay, equal to the balance in the payer's favour of all outstanding debts, claims or damages, whether or not related to the improvement.

Public
highway,
liability of
municipality
re

(4) Despite subsection (1), where land is dedicated to a municipality as a public street or highway and an improvement is made to the land at the written request of, or under an agreement with, the municipality, but not at its expense, the municipality shall nevertheless, on default of payment by the proper payer, be liable to the value of the holdbacks under Part IV that would have been required were the improvement made at the expense of the municipality, and the procedure for making a claim under this subsection shall be the same as for enforcing a claim for lien against a municipality in respect of a public street or highway.

Joint or
common
interests

18. Where the interest of the owner in the premises is held jointly or in common with another person who knew or ought reasonably to have known of the making of the improvement, the joint or common interest in the premises of that person is also subject to the lien unless the contractor receives actual notice, before the supply of services or materials to the improvement is commenced, that the person having the joint or common interest assumes no responsibility for the improvement to be made.

19.—(1) Where the interest of the owner to which the lien attaches is leasehold, the interest of the landlord shall also be subject to the lien to the same extent as the interest of the owner if the contractor gives the landlord written notice of the improvement to be made, unless the landlord, within fifteen days of receiving the notice from the contractor, gives the contractor written notice that the landlord assumes no responsibility for the improvement to be made.

Where
owner's
interest
leasehold

(2) No forfeiture of a lease to, or termination of a lease by, a landlord, except for non-payment of rent, deprives any person having a lien against the leasehold of the benefit of his lien.

Forfeiture or
termination
of lease,
effect of

(3) Where a landlord intends to enforce forfeiture or terminate a lease of the premises because of non-payment of rent, and there is a claim for lien registered against the premises in the proper land registry office, the landlord shall give notice in writing of his intention to enforce forfeiture or terminate the lease and of the amount of the unpaid rent to each person who has registered a claim for lien against the premises.

Notice to lien
claimants

(4) A person receiving notice under subsection (3) may, within ten days thereafter, pay to the landlord the amount of the unpaid rent, and the amount so paid may be added by that person to his claim for lien.

Payment of
unpaid rent

20. Where an owner enters into a single contract for improvements on more than one premises owned by him, any person supplying services or materials under that contract, or under a subcontract under that contract, may choose to have his lien follow the form of the contract and be a general lien against each of those premises for the price of all services and materials he supplied to all the premises.

General lien

21. The lien of a person is a charge upon the holdbacks required to be retained by Part IV, and subject to subsection 17 (3), any additional amount owed in relation to the improvement by a payer to the contractor or to any subcontractor whose contract or subcontract was in whole or in part performed by the supply of services or materials giving rise to the lien.

Lien a charge

PART IV

HOLDBACKS

22.—(1) Each payer upon a contract or subcontract under which a lien may arise shall retain a holdback equal to 10 per cent of the price of the services or materials as they are actually supplied under the contract or subcontract until all liens

Basic
holdback

that may be claimed against the holdback have expired as provided in Part V, or have been satisfied, discharged or provided for under section 44 (payment into court).

Separate
holdback for
finishing
work

(2) Where the contract has been certified or declared to be substantially performed but services or materials remain to be supplied to complete the contract, the payer upon the contract, or a subcontract, under which a lien may arise shall retain, from the date certified or declared to be the date of substantial performance of the contract, a separate holdback equal to 10 per cent of the price of the remaining services or materials as they are actually supplied under the contract or subcontract, until all liens that may be claimed against the holdback have expired as provided in Part V, or have been satisfied, discharged or provided for under section 44.

When
obligation to
retain applies

(3) The obligation to retain the holdbacks under subsections (1) and (2) applies irrespective of whether the contract or subcontract provides for partial payments or payment on completion.

Personal
liability of
owner

23.—(1) An owner is personally liable to those lien claimants who have valid liens against his interest in the premises to the extent of the holdbacks that he is required to retain under this Part.

How
determined

(2) The personal liability of an owner under subsection (1) may only be determined in an action under this Act.

Payments
that may be
made

24.—(1) A payer may, without jeopardy, make payments on a contract or subcontract up to 90 per cent of the price of the services and materials that have been supplied under that contract or subcontract unless, prior to making payment, the payer has received written notice of a lien.

Idem

(2) Where a payer has received written notice of a lien and has retained, in addition to the holdbacks required by this Part, an amount sufficient to satisfy the lien, the payer may, without jeopardy, make payment on a contract or subcontract up to 90 per cent of the price of the services and materials that have been supplied under that contract or subcontract, less the amount retained.

Payment
where
subcontract
certified
complete

25. Where a subcontract has been certified complete under section 33, each payer upon the contract and any subcontract may, without jeopardy, make payment reducing the holdbacks required by this Part to the extent of the amount of holdback he has retained in respect of the completed subcontract, where all liens in respect of the completed subcontract have expired as provided in Part V, or have been satisfied,

discharged or provided for under section 44 (payment into court).

26. Each payer upon the contract or a subcontract may, without jeopardy, make payment of the holdback he is required to retain by subsection 22 (1) (basic holdback), so as to discharge all claims in respect of that holdback, where all liens that may be claimed against that holdback have expired as provided in Part V, or have been satisfied, discharged or provided for under section 44.

Payment of
basic
holdback

27. Each payer upon the contract or a subcontract may, without jeopardy, make payment of the holdback he is required to retain by subsection 22 (2) (holdback for finishing work), so as to discharge all claims in respect of that holdback, where all liens that may be claimed against that holdback have expired as provided in Part V, or have been satisfied, discharged or provided for under section 44.

Payment of
holdback for
finishing
work

28. Where an owner, contractor or subcontractor makes a payment without obligation to do so to any person having a lien for or on account of any amount owing to that person for services or materials supplied to the improvement and gives written notice of the payment or his intention to pay to the proper payer of that person, the payment shall be deemed to be a payment by the owner, contractor or subcontractor to the proper payer of that person, but no such payment reduces the amount of the holdback required to be retained under this Part or reduces the amount that must be retained in response to a written notice of lien given by a person other than the person to whom payment is made.

Direct
payment to
person
having lien

29. Payments made in accordance with this Part operate as a discharge of the lien to the extent of the amount paid.

Discharge,
extent of

30. Where the contractor or a subcontractor defaults in the performance of his contract or subcontract, a holdback shall not be applied by any payer toward obtaining services or materials in substitution for those that were to have been supplied by the person in default, nor in payment or satisfaction of any claim against the person in default, until all liens that may be claimed against that holdback have expired as provided in Part V, or have been satisfied, discharged or provided for under section 44 (payment into court).

How
holdback not
to be applied

PART V

EXPIRY, PRESERVATION AND PERFECTION OF LIENS

Expiry of
liens

31.—(1) Unless preserved under section 34, the liens arising from the supply of services or materials to an improvement expire as provided in this section.

Contractor's
liens

(2) Subject to subsection (4), the lien of a contractor,

(a) for services or materials supplied to an improvement on or before the date certified or declared to be the date of the substantial performance of the contract, expires at the conclusion of the forty-five day period next following the occurrence of the earlier of,

(i) the date on which a copy of the certificate or declaration of the substantial performance of the contract is published as provided in section 32, and

(ii) the date the contract is completed or abandoned; and

(b) for services or materials supplied to the improvement where there is no certification or declaration of the substantial performance of the contract, or for services or materials supplied to the improvement after the date certified or declared to be the date of substantial performance, expires at the conclusion of the forty-five day period next following the occurrence of the earlier of,

(i) the date the contract is completed, and

(ii) the date the contract is abandoned.

Liens of
other persons

(3) Subject to subsection (4), the lien of any other person,

(a) for services or materials supplied to an improvement on or before the date certified or declared to be the date of the substantial performance of the contract, expires at the conclusion of the forty-five day period next following the occurrence of the earliest of,

(i) the date on which a copy of the certificate or declaration of the substantial performance of the contract is published, as provided in section 32, and

- (ii) the date on which he last supplies services or materials to the improvement, and
 - (iii) the date a subcontract is certified to be completed under section 33, where the services or materials were supplied under or in respect of that subcontract; and
- (b) for services or materials supplied to the improvement where there is no certification or declaration of the substantial performance of the contract, or for services or materials supplied to the improvement after the date certified or declared to be the date of the substantial performance of the contract, expires at the conclusion of the forty-five day period next following the occurrence of the earlier of,
- (i) the date on which he last supplied services or materials to the improvement, and
 - (ii) the date a subcontract is certified to be completed under section 33, where the services or materials were supplied under or in respect of that subcontract.

(4) Where a person has supplied services or materials to an improvement on or before the date certified or declared to be the date of the substantial performance of the contract and has also supplied, or is to supply, services or materials after that date, his lien in respect of the services or materials supplied on or before the date of substantial performance expires without affecting any lien that he may have for the supply of services or materials after that date.

Separate
liens when
ongoing
supply

(5) Where a person who has supplied services or materials under a contract or subcontract makes a declaration in the prescribed form declaring,

Declaration
of last supply

- (a) the date on which he last supplied services or materials under that contract or subcontract; and
- (b) that he will not supply any further services or materials under that contract or subcontract,

then the facts so stated shall be deemed to be true against the person making the declaration.

Rules
governing
certification
or
declaration
of substantial
performance

32.—(1) The following rules govern the certification and declaration of the substantial performance of a contract:

1. On the application of the contractor, the payment certifier, or if there is no payment certifier, the owner and the contractor jointly shall determine whether a contract has been substantially performed in accordance with section 2, and where he or they so determine, shall certify the substantial performance of the contract by signing a certificate in the prescribed form.
2. The payment certifier or the owner and the contractor jointly, as the case may be, shall set out in the certificate the date on which the contract was substantially performed.
3. The date set out in the certificate as the date on which the contract was substantially performed is deemed for the purpose of this Act to be the date on which that event occurred.
4. Where the payment certifier certifies the substantial performance of a contract he shall within seven days of the day the certificate is signed give a copy of the certificate to the owner and to the contractor.
5. The contractor shall publish a copy of the certificate once in a construction trade newspaper.
6. Where the contractor does not publish a copy of the certificate within seven days of receiving a copy of the certificate signed by the payment certifier or, where there is no payment certifier, signed by the owner, any person may publish a copy of the certificate.
7. Where there is a failure or refusal to certify substantial performance of the contract within a reasonable time, any person may apply to the court, and the court, upon being satisfied that the contract is substantially performed, and upon such terms as to costs or otherwise as it considers fit, may declare that the contract has been substantially performed, and the declaration has the same force and effect as a certificate of substantial performance of the contract.
8. Unless the court otherwise orders, the day the declaration is made shall be deemed to be the date the contract was substantially performed.

9. The person who applied to the court shall publish a copy of the declaration of substantial performance once in a construction trade newspaper.
10. For the purposes of this Part, a certificate or declaration of the substantial performance of a contract has no effect until a copy of the certificate or declaration is published.

(2) Every certificate or declaration made or given under this section shall include, Contents of certificate

- (a) the name and address for service of the owner and of the contractor;
- (b) the name and address of the payment certifier, where there is one;
- (c) a short description of the improvement;
- (d) the date on which the contract was substantially performed;
- (e) where the lien attaches to the premises, a concise description containing a reference to lot and plan or instrument registration number sufficient to identify the premises; and
- (f) the street address, if any, of the premises.

(3) Any person who is required by this section to make a determination of the substantial performance of a contract, and who after receiving an application fails or refuses within a reasonable time to certify the substantial performance of the contract, even though there is no reasonable doubt that the contract has, in fact, been substantially performed, is liable to anyone who suffers damages as a result. Liability for refusal to certify

(4) A payment certifier who fails to comply with paragraph 4 of subsection 32 (1) is liable to anyone who suffers damages as a result. Liability for failure to furnish copy of certificate

(5) A construction trade newspaper shall publish upon commercially reasonable terms copies of certificates or declarations of substantial performance in the prescribed form and manner. Manner of publication

33.—(1) Upon the request of the contractor, the payment certifier on the contract, or the owner and the contractor jointly, may determine whether a subcontract has been completed, and where he or they so determine, he or they may Certificate re subcontract

certify the completion of the subcontract in the prescribed form.

Date subcontract deemed completed

(2) Where a subcontract is certified to be completed, the subcontract shall be deemed to have been completed on the date of certification.

Services or materials supplied after subcontract certified completed

(3) If services or materials are supplied to the improvement under or in respect of a subcontract after the date the subcontract is certified to be completed, those services or materials shall be deemed to have been last supplied on the date of certification.

Copy of certificate

(4) Within seven days of the date the subcontract is certified to be completed, the payment certifier or the owner and the contractor, as the case may be, shall give a copy of the certificate,

- (a) to the subcontractor whose subcontract has been certified as complete; and
- (b) to the owner and the contractor, where certification is by the payment certifier.

How lien preserved

34.—(1) A lien may be preserved during the supplying of services or materials or at any time before it expires,

- (a) where the lien attaches to the premises, by the registration in the proper land registry office of a claim for lien on the title of the premises in accordance with this Part; and
- (b) where the lien does not attach to the premises, by giving to the owner a copy of the claim for lien together with the affidavit of verification required by subsection (6).

Public highway

(2) Where a claim for lien is in respect of a public street or highway owned by a municipality, the copy of the claim for lien and affidavit shall be given to the clerk of the municipality.

Premises owned by Crown

(3) Where the owner of the premises is the Crown, the copy of the claim for lien and affidavit shall be given to the office prescribed by regulation, or where no office has been prescribed, to the ministry or Crown agency for whom the improvement is made.

Railway right-of-way

(4) Where the premises is a railway right-of-way, the copy of the claim for lien and affidavit shall be given to the manager or

any person apparently in charge of any office of the railway in Ontario.

(5) Every claim for lien shall set out,

Contents of
claim for lien

- (a) the name and address for service of the person claiming the lien and the name and address of the owner of the premises and of the person for whom the services or materials were supplied and the time within which those services or materials were supplied;
- (b) a short description of the services or materials that were supplied;
- (c) the contract price or subcontract price;
- (d) the amount claimed in respect of services or materials that have been supplied; and
- (e) a description of the premises,
 - (i) where the lien attaches to the premises, sufficient for registration under the *Land Titles Act* or the *Registry Act*, as the case may be, or
 - (ii) where the lien does not attach to the premises, being the address or other identification of the location of the premises.

R.S.O. 1980,
cc. 230, 445

(6) A claim for lien shall be verified by an affidavit of the person claiming the lien, including a trustee of the workers' trust fund where subsection 83 (2) applies, or of an agent or assignee of the claimant who has informed himself of the facts set out in the claim, and the affidavit of the agent or assignee shall state that he believes those facts to be true.

Affidavit of
verification

(7) Subject to subsection 44 (4) (apportionment), a general lien shall be preserved against each of the premises that the person having the lien desires the lien to continue to apply against, and the claim against each premises may be for the price of the services or materials that have been supplied to all the premises.

Preservation
of general
lien

(8) Any number of persons having liens upon the same premises may unite in a claim for lien, but where more than one lien is included in one claim, each person's lien shall be verified by affidavit as required by subsection (6).

Who may
join in claim

Liability for exaggerated claim, etc.

35. In addition to any other ground on which he may be liable, any person who preserves a claim for lien or who gives written notice of a lien,

- (a) for an amount which he knows or ought to know is grossly in excess of the amount which he is owed; or
- (b) where he knows or ought to know that he does not have a lien,

is liable to any person who suffers damages as a result.

What liens may be perfected

36.—(1) A lien may not be perfected unless it is preserved.

Expiry of preserved lien

(2) A lien that has been preserved expires unless it is perfected prior to the end of the forty-five day period next following the last day, under section 31, on which the lien could have been preserved.

How lien perfected

(3) A lien claimant perfects his preserved lien,

- (a) where the lien attaches to the premises, when he commences an action to enforce his lien and, except where an order to vacate the registration of his lien is made, he registers a certificate of action in the prescribed form on the title of the premises; or
- (b) where the lien does not attach to the premises, when he commences an action to enforce his lien.

Rules re sheltering

(4) A preserved lien becomes perfected by sheltering under a lien perfected by another lien claimant in respect of the same improvement in accordance with the following rules:

1. The preserved lien of a lien claimant is perfected by sheltering under the perfected lien of another lien claimant in respect of the same improvement where,
 - i. the lien of that other lien claimant was a subsisting perfected lien at the time when the lien of the lien claimant was preserved, or
 - ii. the lien of that other lien claimant is perfected in accordance with clause (3) (a) or (b) between the time when the lien of the lien claimant was preserved and the time that the lien of the lien claimant would have expired under subsection (2).

2. The validity of the perfection of a sheltered lien does not depend upon the validity, proper preservation or perfection of the lien under which it is sheltered.
3. A sheltered claim for lien is perfected only as to the defendants and the nature of the relief claimed in the statement of claim under which it is sheltered.
4. Upon notice given by a defendant named in a statement of claim, any lien claimant whose lien is sheltered under that statement of claim shall provide the defendant with further particulars of his claim or of any fact alleged in his claim for lien.

(5) Subject to subsection 44 (4) (apportionment), a preserved general lien that attaches to the premises shall be perfected against each premises to which the person having the lien desires the lien to continue to apply. General lien

37.—(1) A perfected lien expires where,

Expiry of
perfected lien

- (a) no day is fixed under section 62 for the trial of an action in which that lien may be realized; or
- (b) an action in which that lien may be realized is not set down for trial,

within two years of the date of the commencement of the action which perfected that lien.

(2) Where a lien has expired under subsection (1), an application may be made under section 46. Application
under s. 46

38. The expiration of a lien under this Act shall not affect any other legal or equitable right or remedy otherwise available to the person whose lien has expired. Saving other
rights

PART VI

RIGHT TO INFORMATION

39.—(1) Any person having a lien or who is the beneficiary of a trust under Part II or who is a mortgagee may, at any time, by written request, require information to be provided within a reasonable time, not to exceed twenty-one days, as follows: Right to
information;

1. By the owner or contractor, with,

from owner
or contractor

- i. the names of the parties to the contract,

- ii. the contract price,
- iii. the state of accounts between the owner and the contractor, and
- iv. a copy of any labour and material payment bond in respect of the contract posted by the contractor with the owner.

from
contractor or
subcontractor

2. By the contractor or a subcontractor, with,

- i. the names of the parties to a subcontract,
- ii. the state of accounts between the contractor and a subcontractor or between a subcontractor and another subcontractor,
- iii. a statement of whether there is a provision in a subcontract providing for certification of the subcontract,
- iv. a statement of whether a subcontract has been certified as complete, and
- v. a copy of any labour and material payment bond posted by a subcontractor with the contractor or by a subcontractor with another subcontractor.

from
mortgagee or
unpaid
vendor

(2) Any person having a lien or any beneficiary of a trust under Part II may, at any time, by written request, require a mortgagee or unpaid vendor to provide him within a reasonable time, not to exceed twenty-one days, with,

- (a) sufficient details concerning any mortgage on the premises to enable the person who requests the information to determine whether the mortgage was taken by the mortgagee for the purposes of financing the making of the improvement;
- (b) a statement showing the amount advanced under the mortgage, the dates of those advances, and any arrears in payment including any arrears in the payment of interest; or
- (c) a statement showing the amount secured under the agreement of purchase and sale and any arrears in payment including any arrears in the payment of interest.

(3) The trustee of a workers' trust fund may at any time by written request require any contractor or subcontractor to permit him, within a reasonable time after making the request, not to exceed twenty-one days, to inspect the payroll records of all workers who are beneficiaries of the fund, and who have supplied labour to the making of the improvement, and who are employed by the contractor or the subcontractor.

by trustee or
workers'
trust fund

(4) A contractor shall, upon written request whenever made to him by any person, within a reasonable time furnish in writing to the person the date of publication and the name of the construction trade newspaper in which a copy of a certificate of substantial performance has been published under subsection 32 (1).

respecting
publication
of certificate
of substantial
performance

(5) Where a person, who is required under subsection (1), (2), (3) or (4) to provide information or access to information, does not provide the information or access to information as required or knowingly or negligently mis-states that information, he is liable to the person who made the request for any damages sustained by reason thereof.

Liability for
failure to
provide
information

(6) Upon motion, the court may at any time, whether or not an action has been commenced, order a person to comply with a request that has been made to him under this section and when making the order, the court may make any order as to costs as it considers appropriate in the circumstances, including an order for the payment of costs on a solicitor-and-client basis.

Order by
court to
comply with
request

40.—(1) Any person who has verified a claim for lien that has been preserved is liable to be cross-examined without an order on the claim for lien at any time, irrespective of whether an action has been commenced.

Cross-
examination
on claim for
lien

(2) There shall be only one examination under subsection (1), but the contractor, the payer of the lien claimant, and every person named in the claim for lien who has an interest in the premises are entitled to participate therein.

Who may
participate

(3) Any person intending to examine a person under subsection (1) shall give at least seven days notice of the examination specifying the time and place for the examination to,

Notice

- (a) the person to be examined or his solicitor;
- (b) every other person named in the claim for lien as having an interest in the premises;
- (c) the contractor; and

(d) the payer of the lien claimant.

Application
of rules of
practice

(4) The Supreme Court Rules of Practice pertaining to examinations apply, with necessary modifications, to cross-examinations under this section.

PART VII

DISCHARGE OF PRESERVED OR PERFECTED LIENS

Discharge of
lien claim by
release

41.—(1) A preserved or perfected lien may be discharged,

- (a) where the lien attaches to the premises, by the registration of a release in the prescribed form on the title to the premises and the release shall, except where the lien claimant is a corporation, be supported by an affidavit of execution; or
- (b) where the lien does not attach to the premises, by giving a release in the prescribed form to the owner, in the manner set out in section 34 for the giving of copies of the claim for lien.

Withdrawal
of notice of
lien

(2) A written notice of a lien may be withdrawn by giving a withdrawal in writing to the person to whom the written notice of a lien was given, and a payer given the withdrawal shall, in respect of the operation of subsection 24 (2), be in the same position as if the written notice of a lien had never been given.

Discharge of
general lien

42. A preserved or perfected general lien may be discharged against any one or more of the premises that are subject to it, without affecting its application to any other premises to which it applies, by the registration of a release in the prescribed form on the title to the premises released.

Postpone-
ment of lien
claim

43. A preserved or perfected lien may be postponed in favour of the interest of another person in the premises by the registration on the title to the premises of a notice of postponement in the prescribed form, and in that case, subsection 80 (8) applies (priorities in event of postponement).

Vacating lien
by payment
into court;
without
notice

44.—(1) Upon the motion of any person, without notice to any other person, the court shall make an order vacating,

- (a) where the lien attaches to the premises, the registration of a claim for lien and any certificate of action in respect of that lien; or
- (b) where the lien does not attach to the premises, the claim for lien,

where the person bringing the motion pays into court, or posts security in an amount equal to, the total of,

- (c) the full amount claimed as owing in the claim for lien; and
- (d) the lesser of \$50,000 or 25 per cent of the amount described in clause (c), as security for costs.

(2) Upon the motion of any person, the court may make an order vacating the registration of a claim for lien, and any certificate of action in respect of that lien, upon the payment into court or the posting of security of an amount that the court determines to be reasonable in the circumstances to satisfy the lien.

on payment
in of
reasonable
amount

(3) Where the lien does not attach to the premises, the court may make an order, upon the motion of any person, vacating a claim for lien given to the owner, upon the payment into court or the posting of security of an amount that the court determines to be reasonable in the circumstances to satisfy the lien.

Where lien
does not
attach to
premises

(4) Where a motion is made to vacate the registration of a general lien against one or more of the premises subject to that lien, the court may apportion the general lien between the premises in respect of which the application is made and all other premises that are subject to the lien.

Where
general lien

(5) Where an amount has been paid into court or security has been posted with the court under this section, the court, upon notice to such persons as it may require, may order where it is appropriate to do so,

Reduction of
amount paid
into court

- (a) the reduction of the amount paid into court, and the payment of any part of the amount paid into court to the person entitled; or
- (b) the reduction of the amount of security posted with the court, and the delivery up of the security posted with the court for cancellation or substitution, as the case may be.

(6) Where an order is made under clause (1) (a) or subsection (2), the lien ceases to attach to the premises and ceases to attach to the holdbacks and other amounts subject to a charge under section 21, and becomes instead a charge upon the amount paid into court or security posted, and the owner or payer shall, in respect of the operation of sections 21, 23 and 24, be in the same position as if the lien had not been preserved or written notice of the lien had not been given.

Lien a charge
upon amount
paid into
court

Idem

(7) Where an order is made under clause (1) (b) or subsection (3), the lien ceases to attach to the holdbacks and other amounts subject to a charge under section 21 and becomes instead a charge upon the amount paid into court or security posted and the owner or payer shall, in respect of the operation of sections 21, 23 and 24, be in the same position as if the lien had not been preserved or written notice of the lien had not been given.

Consolidation of motions

(8) Where more than one motion is made under subsection (1), (2) or (3) for the payment into court or posting of security to obtain an order vacating the registration of one or more preserved or perfected liens arising from the same improvement, the court may consolidate the motions and require that the amount paid into court or security posted be adequate to satisfy all the liens that are the subject of each of the motions, or make any other order that it considers appropriate.

Rules

(9) Where an order is made under subsection (1), (2) or (3), the following rules apply:

1. The lien claimant whose lien was the subject of the order may proceed with an action to enforce his claim against the amount paid into court or security posted in accordance with the procedures set out in Part VIII, but no certificate of action shall be registered against the premises.
2. The amount paid into court or security posted is subject to the claims of all persons having a lien to the same extent as if the amount paid into court or security posted was realized by the sale of the premises in an action to enforce the lien and shall be distributed among all lien claimants in accordance with the priorities provided for in section 82.
3. Where any amount is realized in a lien action by the sale of the premises or otherwise, it shall be pooled into a common fund with the amount paid into court or security posted under this section, and shall be distributed among all lien claimants in accordance with the priorities provided for in section 82.

Declaration by court that preserved lien has expired

45.—(1) Where a lien that attaches to the premises is not preserved or is not perfected within the time allowed for doing so under section 31 or 36, the court upon,

- (a) the motion of any person without notice to any other person;

(b) proof that the lien has not been preserved or perfected within the time allowed; and

(c) production of,

(i) a certificate of search under the *Land Titles Act*, or R.S.O. 1980,
c. 230

(ii) a registrar's abstract under the *Registry Act*, R.S.O. 1980,
c. 445

together with a certified copy of the claim for lien,

shall declare that the lien has expired and order that the registration of the claim for lien be vacated.

(2) Where the court is satisfied that a lien that does not attach to the premises has not been preserved or perfected within the time allowed for doing so under section 31 or 36, the court upon the motion of any person without notice to any other person shall declare that the lien has expired. Idem

(3) Where a declaration is made under subsection (1) or (2), the court shall order that, Order
returning
amount paid
into court or
cancelling
security

(a) any amount that has been paid into court under section 44 in respect of that lien be returned to the person who paid the amount into court; and

(b) any security that has been posted under section 44 in respect of that lien be cancelled.

46.—(1) Where a perfected lien that attaches to the premises has expired under section 37, the court, upon the motion of any person, shall declare that the lien has expired and shall make an order dismissing the action to enforce that lien and vacating the registration of a claim for lien and the certificate of action in respect of that action. Order
dismissing
action, etc.

(2) Where a perfected lien that does not attach to the premises has expired under section 37, the court, upon the motion of any person, shall declare that the lien has expired and shall make an order dismissing the action to realize upon that lien. Idem

(3) A motion under subsection (1) or (2) may be brought without notice, but no order as to costs in the action may be made upon the motion unless notice of that motion was given to the person against whom the order for costs is sought. Costs

Order
returning
money paid
into court or
cancelling
security

(4) Where an action is dismissed under subsection (1) or (2), the court shall order that,

- (a) any amount that has been paid into court under section 44 in respect of that action be returned to the person who paid the amount into court; and
- (b) any security that has been posted under section 44 in respect of that action be cancelled.

General
power to
discharge lien

47.—(1) Upon motion, the court may,

- (a) order the discharge of a lien;
- (b) order that the registration of,
 - (i) a claim for lien, or
 - (ii) a certificate of action,or both, be vacated;
- (c) declare, where written notice of a lien has been given, that the lien has expired, or that the written notice of the lien shall no longer bind the person to whom it was given; or
- (d) dismiss an action,

upon any proper ground and subject to any terms and conditions that the court considers appropriate in the circumstances.

Direction by
court

(2) Where a certificate of action is vacated under subsection (1), and there remain liens which may be enforced in the action to which that certificate relates, the court shall give any directions that are necessary in the circumstances in respect of the continuation of that action.

Discharge
irrevocable

48. A discharge of a lien under this Part is irrevocable and the discharged lien cannot be revived, but no discharge affects the right of the person whose lien was discharged to claim a lien in respect of services or materials supplied by him subsequent to the preservation of the discharged lien.

Registration

49. Where the lien attaches to the premises, an order declaring that a lien has expired, or discharging a lien, or vacating the registration of a claim for lien or a certificate of action, may be registered by registering on the title to the premises a certified copy of the order that includes a description of the

premises sufficient for registration under the *Registry Act* or the *Land Titles Act*, as the case may be, and a reference to the registration number of every preserved or perfected claim for lien and certificate of action thereby affected.

R.S.O. 1980,
cc. 445, 230

PART VIII

JURISDICTION AND PROCEDURE

50.—(1) A lien claim is enforceable in an action in the Supreme Court in accordance with the procedure set out in this Part.

Lien claim
enforceable
in action

(2) A trust claim shall not be joined with a lien claim but may be brought in any court of competent jurisdiction.

Trust claim
and lien
claim not to
be joined

(3) Any number of lien claimants whose liens are in respect of the same owner and the same premises may join in the same action.

Joinder in
action

51.—(1) Where the premises or a part thereof are situate in the Judicial District of York, an action shall be tried by a judge of the court.

Where
premises
situate in
Judicial
District of
York

(2) Where the premises are situate outside the Judicial District of York, an action shall be tried,

Where
premises
situate
outside
Judicial
District of
York

- (a) by a local judge of the court having jurisdiction in the county or district in which the premises or a part thereof are situate;
- (b) on consent of the persons to whom a notice of trial must be given and on the order of the local judge otherwise having jurisdiction over the action, by a local judge of the court in a county or district other than the one in which the premises or a part thereof are situate, but not in the Judicial District of York; or
- (c) where upon motion the local judge so orders, by a judge of the court at the regular sittings of the court for the trial of actions in the county or district in which the premises or a part thereof are situate.

(3) Where the premises or a part thereof are situate in more than one county or district, an action may be tried by any judge or local judge who has jurisdiction under subsection (1) or (2) in any of the counties or districts in which the premises are situate.

Where
premises
situate in
more than
one county

Powers of
master, etc.

52.—(1) Except as provided in subsection (2),

- (a) a master, where the premises or a part thereof are situate in the Judicial District of York;
- (b) a local master appointed for, or a master assigned to, the county or district in which the premises or a part thereof are situate, where the premises are situate outside the Judicial District of York;
- (c) a local judge, where the local judge has ordered that the action be tried by a judge of the court under clause 51 (2) (c),

has jurisdiction to hear and dispose of any motion under this Act, including a motion brought prior to the commencement of an action, and all motions relating to the conduct of an action or reference under this Act.

What matters
not to be
dealt with by
master

(2) A master or appointed local master shall not hear or dispose of,

- (a) a motion for the trial of the action by a judge under clause 51 (2) (c);
- (b) a motion for the reference of an action to a master or appointed local master for trial;
- (c) an originating application; or
- (d) a motion in respect of an appeal.

Further
powers of
master

(3) In addition to his jurisdiction under subsection (1), a master or appointed local master to whom a reference has been directed has all the jurisdiction, powers and authority of the court to try and completely dispose of the action and all matters and questions arising in connection with the action, including the giving of leave to amend any pleading and the giving of directions to a receiver or trustee appointed by the court.

Court to
dispose
completely of
action

53. The court, whether the action is being tried by a judge or local judge, or by a master or an appointed local master on a reference,

- (a) shall try the action, including any set-off, crossclaim, counterclaim, and, subject to section 58, third party claim, and all questions that arise therein or that are necessary to be tried in order to dispose completely of the action and to adjust the rights and liabilities of

the persons appearing before it or upon whom notice of trial has been served; and

- (b) shall take all accounts, make all inquiries, give all directions and do all things necessary to dispose finally of the action and all matters, questions and accounts arising therein or at the trial and to adjust the rights and liabilities of, and give all necessary relief to, all parties to the action.

54. A judge, local judge, master or an appointed local master does not acquire exclusive jurisdiction over the trial of an action or reference by reason only of his appointing the time and place for the trial of the action or reference, or for the holding of a settlement meeting.

Where
exclusive
jurisdiction
not acquired

55.—(1) An action shall be commenced by filing a statement of claim in the office of the registrar or local registrar of the court in the county or district in which the premises or a part thereof are situate.

How action
commenced

(2) The statement of claim shall be served within ninety days after it is filed, but the court may, upon a motion made before or after the expiration of that period of time, extend the time for service.

Service of
statement of
claim

(3) A crossclaim or counterclaim by any person shall accompany his statement of defence, but on motion the court may grant leave to deliver a crossclaim or counterclaim after this time where it is appropriate to do so, and where leave is granted, the court may,

Crossclaim or
counterclaim

- (a) make any order as to costs that it considers appropriate; and

- (b) give directions as to the conduct of the action.

56.—(1) The time for delivering a statement of defence to a lien claim, crossclaim, counterclaim or third party claim shall be twenty days.

Time for
delivery of
pleadings

(2) Where a person against whom a claim is made in a statement of claim, counterclaim, crossclaim or third party claim defaults in the delivery of a statement of defence in respect of that claim, pleadings may be noted closed against him in respect of that claim.

Noting
pleadings
closed

(3) Where pleadings have been noted closed against a defendant or third party under subsection (2), he shall not be permitted to contest the claim of the person who named him as a de-

Effect of
default in
defence

fendant or third party, or to file a statement of defence, except with leave of the court, to be given only where the court is satisfied that there is evidence to support a defence, and where leave is granted, the court,

- (a) may make any order as to costs that it considers appropriate; and
- (b) may give directions as to the conduct of the action.

Allegations
of fact
deemed
admitted

(4) Except where leave has been granted under subsection (3), a defendant or third party against whom pleadings have been noted closed under subsection (2) shall be deemed to admit all allegations of fact made in the statement of claim, counterclaim, crossclaim or third party claim, as the case may be, and shall not be entitled to notice of or to participate in the trial of the action or any proceeding in respect of the action and judgment may be given against him.

Warning to
be included

(5) Every statement of claim, crossclaim, counterclaim or third party claim shall include the following warning:

“WARNING: If you wish to defend against this claim, you are required to deliver a statement of defence within twenty days. Should you fail to deliver a statement of defence as required, pleadings may be noted closed against you, and you shall be deemed to admit all allegations of fact contained in this claim, and you shall not be entitled to notice of or to participate in the trial or any proceeding in respect of this claim and judgment may be given against you.”

Joinder of
claims

57.—(1) A plaintiff in an action may join with his lien claim a claim for breach of his contract or subcontract.

Counter-
claims and
crossclaims

(2) A defendant in an action may,

- (a) counterclaim against the person who named him as a defendant in respect of any claim that he may be entitled to make against that person, whether or not that claim is related to the making of the improvement;
- (b) crossclaim against a co-defendant in respect of any claim that he may be entitled to make against that person related to the making of the improvement.

58. The following rules govern third party proceedings:

Rules re third party proceedings

1. Subject to paragraph 2, a person against whom a claim is made in a statement of claim, crossclaim, counterclaim or third party claim may join a person who is not a party to the action as a third party for the purpose of claiming contribution or indemnity from the third party in respect of that claim.
2. A person may only be joined as a third party with leave of the court upon a motion made with notice to the owner and all persons having subsisting preserved or perfected liens at the time of the motion, but such leave shall not be given unless the court is satisfied that the trial of the third party claim will not,
 - i. unduly prejudice the ability of the third party or of any lien claimant or defendant to prosecute his claim or conduct his defence, or
 - ii. unduly delay or complicate the resolution of the lien action.
3. The court may give such directions as it considers appropriate in the circumstances in respect of the conduct of third party proceedings.

59.—(1) The person serving the notice of trial and all persons served with notice of trial are parties to the action. Parties

(2) Subject to section 56, the court may at any time add or join any person as a party to the action. Adding parties

60.—(1) On motion made after the delivery of all statements of defence, or the statements of defence to all cross-claims, counterclaims, or third party claims, if any, or the time for their delivery has expired, Reference to master, etc.

- (a) a judge may refer to a master; or
- (b) a local judge may refer to a master assigned to, or a local master appointed for, the county or district in which the trial is to take place,

the whole action for trial under section 71 of the *Judicature Act*. R.S.O. 1980, c. 223

(2) At the trial, Idem

- (a) a judge may direct a reference to a master; or

- (b) a local judge may direct a reference to a master assigned to, or a local master appointed for, the county or district in which the trial is to take place,

R.S.O. 1980,
c. 223

under section 70 or 71 of the *Judicature Act*.

Application
to set aside
order of
reference

(3) Where under subsection (1), the action has been referred to the master or local master for trial, any person who subsequently becomes a party to the action may, within seven days after becoming a party to the action, make a motion to a judge or the local judge of the court who directed the reference to set aside the judgment directing the reference.

Effect on
subsequent
party to
action

(4) Where no motion is made under subsection (3), or where the motion is refused, the person who subsequently became a party to the action is bound by the judgment directing the reference as if he had been a party to the action at the time the reference was directed.

Carriage of
action

61.—(1) The court may at any time make an order awarding carriage of the action to any person who has a perfected lien.

Consoli-
dation of
actions

(2) Where more than one action is brought to enforce liens in respect of the same improvement, the court may,

- (a) consolidate all the actions into one action; and
- (b) award carriage of the action to any person who has a perfected lien.

Application
to fix date for
trial or
settlement
meeting

62.—(1) Any party may make a motion to the court without notice to any other person at any time after,

- (a) the delivery of the statements of defence, or the statements of defence to all crossclaims, counterclaims or third party claims, if any, where the plaintiff's claim is disputed; or
- (b) the expiry of the time for the delivery of these statements of defence in all other cases,

to have a day, time and place fixed for the trial of the action, or for the holding of a settlement meeting under section 63, or both.

Notice of
settlement
meeting

(2) Where the court orders the holding of a settlement meeting, then at least ten days before the date appointed for the holding of the meeting, the party who obtained the appoint-

ment shall serve a notice of settlement meeting upon any person who was, on the twelfth day before the date appointed,

- (a) subject to section 56 (default in filing defence), the owner and every other person named as a defendant in every statement of claim in respect of the action;
- (b) where the lien attaches to the premises, a person with a registered interest in the premises;
- (c) where the lien attaches to the premises, an execution creditor of the owner;
- (d) any other person having a preserved or perfected lien against the premises; and
- (e) a person joined as a third party under section 58.

(3) Where the lien does not attach to the premises, the party who obtained the appointment for the holding of the settlement meeting shall request the owner to inform him of the identity of every person described in clause (2) (d). Request to identify other persons having lien

(4) Subject to section 56, where the court fixes a date for trial, the party who obtained the appointment shall serve a notice of trial, at least ten days before the date appointed for trial, upon any person who is or would be entitled to a notice of a settlement meeting under subsection (2). Service of notice of trial

63.—(1) Where a settlement meeting is ordered by the court, it shall be conducted in accordance with this section. Conduct of settlement meeting

(2) The settlement meeting shall be conducted by, Idem

- (a) a person selected by a majority of the persons present at the meeting; or
- (b) where no person is selected, by the person who took out the appointment,

and shall be for the purpose of resolving or narrowing any issues to be tried in the action.

(3) The results of the settlement meeting shall be embodied in a statement of settlement which shall summarize those issues of fact and law which have been settled by the parties. Idem

(4) The statement of settlement shall be filed with the court and shall be attached to and form part of the record, and the settlement shall be binding upon all persons served with notice Statement of settlement

of the settlement meeting, and upon all defendants against whom pleadings have been noted closed under section 56, but subject to subsection 56 (3), the court may vary or set aside the statement of settlement upon such order as to costs or otherwise as it considers appropriate.

Power of court

(5) Upon the filing of the statement of settlement with the court, the court may,

- (a) if there was no dispute at the meeting to a claim for lien, declare the lien valid and give such further judgment as it considers appropriate;
- (b) enter a judgment or make a report upon consent on those issues which have been settled by the parties;
- (c) make any order that is necessary in order to give effect to any judgment or report of the court under clause (a) or (b); and
- (d) make any order that is necessary for, or will expedite the conduct of, the trial.

Non-application of rule 244

(6) Rule 244 of the Supreme Court Rules of Practice does not apply to an action under this Act.

Judgment or report

64.—(1) The results of the trial shall be embodied,

- (a) in a judgment in the prescribed form, where the trial is conducted by a judge or local judge of the court; or
- (b) in a report in the prescribed form, where the trial is conducted by a master or an appointed local master of the court on a reference.

Varying form

(2) The prescribed form of judgment or report may be varied by the court in order to meet the circumstances of the case so as to afford to any party to the proceedings any right or remedy in the judgment or report to which he is entitled.

When report deemed confirmed

(3) The report of a master or an appointed local master shall be deemed to be confirmed at the expiration of the fifteen-day period next following the date that the notice of filing was given, unless notice of appeal is served within that time.

Issue of execution

(4) The judgment or report may direct any party found liable to make a payment, to make such payment forthwith, and execution may be issued,

- (a) immediately, in the case of a judgment; or

(b) after confirmation, in the case of a report.

(5) The court may order that the interest in the premises be sold and may direct the sale to take place at any time after the judgment or confirmation of the report, allowing a reasonable time for advertising the sale.

Order for
sale

(6) The court may allow any person with a perfected lien,

Persons who
may be let in

(a) who was not served with a notice of trial; or

(b) whose action was stayed by reason of an order under the *Arbitrations Act*,

R.S.O. 1980,
c. 25

to be let in to prove his claim at any time before the amount realized in the action for the satisfaction of the lien has been distributed, and where his claim is allowed, the judgment or report shall be amended to include his claim.

65. Subject to paragraph 3 of subsection 36 (4) (sheltering), the court may award any lien claimant a personal judgment, whether he proves his lien or not, upon any ground relating to his claim that is disclosed by the evidence against any party to the action for any amount that may be due to him and that he might have recovered in a proceeding against that party.

Personal
judgment

66. Where an interest in the premises is sold under court order, or by a trustee appointed under Part IX, a person with a perfected lien is entitled to share in the proceeds of sale in respect of the amount owing to him, although that amount or part thereof was not payable at the time of the commencement of the action or at the time of the distribution of the proceeds.

Right to
share in
proceeds

67.—(1) The court may make all orders necessary for the completion of a sale and for vesting an interest in the premises in the purchaser.

Orders for
completion
of sale

(2) Where an interest in the premises is sold under court order, or by a trustee appointed under Part IX, the proceeds of the sale shall be paid into court to the credit of the action.

Payment into
court of
proceeds

(3) The court may add to the claim of the party having carriage of the action his fees and actual disbursements in connection with the sale.

Fees and
disbursements

To whom
proceeds
paid

(4) The court shall direct to whom the proceeds shall be paid in accordance with the priorities established by this Act.

Where
proceeds
insufficient to
satisfy
judgment

(5) Where the proceeds of the sale are not sufficient to satisfy the judgment and costs, the court shall certify the amount of the deficiency and give personal judgment in the appropriate amount to each person whose judgment is not satisfied out of the proceeds against each person who has been found liable to him.

Application
to court for
directions

68. Where a person has in his possession an amount that may be subject to a trust under Part II, he may apply to the court for direction and the court may give any direction or make any order that the court considers appropriate in the circumstances.

Summary
procedure

69.—(1) The procedure in an action shall be as far as possible of a summary character, having regard to the amount and nature of the liens in question.

Interlocutory
proceedings

(2) Interlocutory proceedings, other than those provided for in this Act, shall not be taken without the consent of the court obtained upon proof that the proceedings are necessary or would expedite the resolution of the issues in dispute.

Application
of rules of
practice
R.S.O. 1980,
c. 223

(3) Except where inconsistent with this Act, and subject to subsection (2), the *Judicature Act* and the Supreme Court Rules of Practice apply to pleadings and proceedings under this Act.

Technical
assistance

(4) The court may obtain the assistance of any merchant, accountant, actuary, building contractor, architect, engineer or other person in such a way as it considers fit, to enable it to determine better any matter of fact in question, and may fix the remuneration of such person and direct the payment thereof by any of the parties.

Representa-
tion by agent

(5) A lien claimant whose claim is for an amount within the monetary jurisdiction of a small claims court may be represented by an agent who is not a barrister and solicitor.

Manner of
making
motion

(6) Where in this Act the court is empowered to do anything upon motion, the motion may be made in the manner provided for in the Supreme Court Rules of Practice for the making of interlocutory motions, regardless of whether any action has been commenced at the time the motion is made.

PART IX

EXTRAORDINARY REMEDIES

70.—(1) Any person having a lien, or any other person having an interest in the premises, may apply to the court for the appointment of a trustee and the court may appoint a trustee upon such terms as to the giving of security or otherwise as the court considers appropriate.

Application
for
appointment
of trustee

(2) Subject to the supervision and direction of the court, a trustee appointed under subsection (1) may,

Powers of
trustee

- (a) act as a receiver and manager and, subject to the *Planning Act* and the approval of the court, mortgage, sell or lease the premises or any part thereof;
- (b) complete or partially complete the improvement;
- (c) take appropriate steps for the preservation of the premises; and
- (d) subject to the approval of the court, take such other steps as are appropriate in the circumstances.

R.S.O. 1980,
c. 379

(3) Subject to subsection 80 (7), all liens shall be a charge upon any amount recovered by the trustee after payment of the reasonable business expenses and management costs incurred by the trustee in the exercise of any power under subsection (2).

Liens a
charge on
amounts
recovered

(4) Any interest in the premises that is to be sold may be offered for sale subject to any mortgage, charge, interest or other encumbrance that the court directs.

Sale subject
to
encumbrances

(5) The court may make all orders necessary for the completion of any mortgage, lease or sale by a trustee under this section.

Orders for
completion
of sale, etc.

71.—(1) Where a labour and material payment bond is in effect in respect of an improvement, any person whose payment is guaranteed by that bond has a right of action to recover the amount of his claim, in accordance with the terms and conditions of the bond, against the surety on the bond, where the principal on the bond defaults in making the payment guaranteed by the bond.

Labour and
material
payment
bonds

(2) Nothing in this section makes the surety liable for an amount in excess of the amount that he undertakes to pay under the bond and the surety's liability under the bond shall be

Saving

reduced by and to the extent of any payment made in good faith by the surety either before or after judgment is obtained against the surety.

Subrogation

(3) The surety, upon satisfaction of its obligation to any person whose payment is guaranteed by the bond, shall be subrogated to all the rights of that person.

PART X

APPEALS

Stated case

72.—(1) Where in the course of an action a question of law arises, the court may state the question in the form of a stated case for the opinion of the Divisional Court, and the stated case shall thereupon be set down to be heard before the Divisional Court and notice of hearing shall be served by the party setting down the matter upon all parties concerned.

Facts to be set out

(2) The stated case shall set forth those facts material to the determination of the question raised.

Appeal to Divisional Court

73.—(1) Subject to subsection (3), an appeal lies from a judgment or a report under this Act to the Divisional Court.

Time for filing and serving notice of appeal

(2) A party wishing to appeal a judgment or report shall file and serve his notice of appeal,

(a) prior to the confirmation of the report where the appeal is in respect of a report; or

(b) within fifteen days of the date of judgment in all other cases,

but the time for filing or serving the notice of appeal may be extended by the written consent of all parties, or by a single judge of the Divisional Court where an appropriate case is made out for doing so.

Where no appeal lies

(3) No appeal lies from,

(a) a judgment or a report under this Act, where the amount claimed is \$1,000 or less; or

(b) an interlocutory order made by the court.

PART XI

PRIORITIES

74. A person who has supplied services or materials in respect of an improvement may enforce his lien despite the non-completion or abandonment of the contract or a subcontract by any other person.

Enforcement of lien despite default

75. The rights of a person having a lien may be assigned by an instrument in writing and, if not assigned, upon his death pass to his personal representative.

Assignment of lien rights

76.—(1) Subject to section 84, where one or more premises that are subject to an unpreserved general lien are sold, the general lien continues for the full amount of the lien against those premises that are subject to the lien, that were not sold.

Continuation of general lien

(2) Where a person having a preserved or perfected general lien releases the lien against one or more of the premises subject to the lien, the lien continues for the full amount of the lien against those premises that were not released.

Idem

77.—(1) The taking of any security for, or the acceptance of any promissory note or bill of exchange for, or the taking of any acknowledgment of, or the giving of time for the payment of, or the taking of proceedings for the recovery of, or the obtaining of a personal judgment for, the claim, does not in itself merge, waive, pay, satisfy, prejudice or destroy a lien.

Effect of taking security

(2) Where any promissory note or bill of exchange has been negotiated, the person having the lien may still enforce the lien if he is the holder of the promissory note or bill of exchange at the time when he proves his claim.

Where note or bill negotiated

(3) Nothing in this section extends the time for, or dispenses with the requirement for, the preservation or perfection of a lien.

Time not extended

78. Where a claim for lien is preserved by registration, the lien claimant shall be deemed to be a purchaser to the extent of his lien within the provisions of the *Registry Act* and *Land Titles Act*, but except as otherwise provided in this Act, those Acts do not apply to any lien arising under this Act.

Lien claimant deemed purchaser
R.S.O. 1980, cc. 445, 230

79. The liens arising from an improvement have priority over all judgments, executions, assignments, attachments, garnishments and receiving orders except those executed or re-

Priority of liens over executions, etc.

covered upon before the time when the first lien arose in respect of the improvement.

Priority over mortgages, etc.

80.—(1) Except as provided in this section, the liens arising from an improvement have priority over all conveyances, mortgages or other agreements affecting the owner's interest in the premises.

Building mortgage

(2) Where a mortgagee takes a mortgage with the intention to secure the financing of an improvement, the liens arising from the improvement have priority over that mortgage, and any mortgage taken out to repay that mortgage, to the extent of any deficiency in the holdbacks required to be retained by the owner under Part IV, irrespective of when that mortgage, or the mortgage taken out to repay it, is registered.

Prior mortgages, prior advances

(3) Subject to subsection (2), and without limiting the effect of subsection (4), all conveyances, mortgages or other agreements affecting the owner's interest in the premises that were registered prior to the time when the first lien arose in respect of an improvement have priority over the liens arising from the improvement to the extent of the lesser of,

- (a) the actual value of the premises at the time when the first lien arose; and
- (b) the total of all amounts that prior to that time were,
 - (i) advanced in the case of a mortgage, and
 - (ii) advanced or secured in the case of a conveyance or other agreement.

Prior mortgages, subsequent advances

(4) Subject to subsection (2), a conveyance, mortgage or other agreement affecting the owner's interest in the premises that was registered prior to the time when the first lien arose in respect of an improvement, has priority, in addition to the priority to which it is entitled under subsection (3), over the liens arising from the improvement, to the extent of any advance made in respect of that conveyance, mortgage or other agreement after the time when the first lien arose, unless,

- (a) at the time when the advance was made, there was a preserved or perfected lien against the premises; or
- (b) prior to the time when the advance was made, the person making the advance had received written notice of a lien.

(5) Where any mortgage is registered after the time when the first lien arose in respect of an improvement, the liens arising from the improvement have priority over the mortgage to the extent of any deficiency in the holdbacks required to be retained by the owner under Part IV.

Special
priority
against
subsequent
advances

(6) Subject to subsections (2) and (5), a conveyance, mortgage or other agreement affecting the owner's interest in the premises that is registered after the time when the first lien arose in respect to the improvement, has priority over the liens arising from the improvement to the extent of any advance made in respect of that conveyance, mortgage or other agreement, unless,

General
priority
against
subsequent
mortgages

- (a) at the time when the advance was made, there was a preserved or perfected lien against the premises; or
- (b) prior to the time when the advance was made, the person making the advance had received written notice of a lien.

(7) Despite anything in this Act, where an amount is advanced to a trustee appointed under Part IX as a result of the exercise of any powers conferred upon him under that Part,

Advances to
trustee under
Part IX

- (a) the interest in the premises acquired by the person making the advance takes priority, to the extent of the advance, over every lien existing at the date of the trustee's appointment; and
- (b) the amount received is not subject to any lien existing at the date of the trustee's appointment.

(8) Despite subsections (4) and (6), where a preserved or perfected lien is postponed in favour of the interest of some other person in the premises, that person shall enjoy priority in accordance with the postponement over,

Where
postponement

- (a) the postponed lien; and
- (b) where an advance is made, any unpreserved lien in respect of which no written notice has been received by the person in whose favour the postponement is made at the time of the advance,

but nothing in this subsection affects the priority of the liens under subsections (2) and (5).

Saving

(9) Subsections (2) and (5) do not apply in respect of a mortgage that was registered prior to the day on which this Act comes into force.

Registration of financial guarantee bond

(10) A financial guarantee bond in a form prescribed may be registered on the title to the premises, and where the bond is registered a purchaser who takes title from the mortgagee takes title to the premises free of the priority of the liens created by subsections (2) and (5), the security of the bond takes the place of the priority created by those subsections and persons who have proved liens have a right of action against the surety on the bond.

Persons who comprise class

81. All persons having a lien who have supplied services or materials to the same payer comprise a class, and a person who has supplied services or materials to more than one payer is a member of every class to the extent to which his lien relates to that class.

Priority between and within class

82.—(1) Except where it is otherwise provided by this Act,

- (a) no person having a lien is entitled to any priority over another member of the same class;
- (b) all amounts available to satisfy the liens in respect of an improvement shall be distributed rateably among the members of each class according to their respective rights; and
- (c) the lien of every member of a class has priority over the lien of the payer of that class.

Where conveyance or mortgage void

(2) Any conveyance or mortgage in respect of the premises to any person entitled to a lien on the premises, in payment of or as security for that claim, whether given before or after that lien arises, is void against all other persons entitled to a lien on the premises.

Worker's priority

83.—(1) The lien of a worker has priority over the lien of any other person belonging to the same class to the extent of the amount of forty regular-time working days' wages.

Workers' trust fund

(2) Where monetary supplementary benefits are payable to a workers' trust fund instead of to a worker, the trustee of the workers' trust fund is subrogated to the rights of the worker under this Act with respect to those benefits.

(3) Every device to defeat the priority given to workers by this section is void.

Device to
defeat
workers'
priority void

84. Where a general lien is realized against a premises in an action in which other liens are also realized against the premises,

Subordi-
nation of
general lien
claims

(a) the general lien shall rank with the other liens according to the rules of priority set out in section 82 only to the extent of,

(i) the total value of the general lien,

divided by,

(ii) the total number of premises to which the person having the general lien supplied services or materials under his contract or subcontract; and

(b) in respect of the balance of the general lien, it shall rank next in priority to all other liens against the premises, whether or not of the same class.

85. Where a premises that is subject to a lien is destroyed in whole or in part, any amount received by the owner or a mortgagee by reason of any insurance on the premises shall take the place of the premises so destroyed and shall be distributed in accordance with the priorities set out in this Part.

Application
of insurance
proceeds

86. Where an interest in the premises is sold or leased under an order of the court or by a trustee appointed under Part IX, the proceeds received as a result of that disposition, together with any amount paid into court under subsection 67(2), shall be distributed in accordance with the priorities set out in this Part.

Distribution
of proceeds
of sale

87.—(1) Where a payer becomes insolvent, the trust fund of which that payer is trustee shall be distributed so that priority over all others is given to a beneficiary of that trust who has proved a lien and a beneficiary of a trust created by section 8 that is derived from that trust, who has proved a lien.

Priorities on
insolvency

(2) Priority in the distribution of trust funds among those who have proved liens shall be in accordance with the respective priorities of their liens as set out in this Part.

Idem

(3) The remaining trust funds shall be distributed among the beneficiaries of that trust and the beneficiaries of trusts created by section 8 that are derived from that trust, whose liens have

Idem

not been proved, in accordance with the respective priorities to which those liens would have been entitled as set out in this Part, had those liens been proved.

PART XII

MISCELLANEOUS RULES

Costs

88.—(1) Subject to subsection (2), any order as to the costs in an action, application, motion or settlement meeting is in the discretion of the court, and an order as to costs may be made against,

- (a) any party to the action or motion; or
- (b) the solicitor or agent of any party to the action, application or motion, where the solicitor or agent has,
 - (i) knowingly participated in the preservation or perfection of a lien, or represented a party at the trial of an action, where it is clear that the claim for lien is without foundation or is for a grossly excessive amount, or that the lien has expired, or
 - (ii) by his conduct prejudiced or delayed the conduct of the action,

and the order may be made on a solicitor-and-client basis, including where the motion is heard by, or the action has been referred under section 60 to, a master or an appointed local master.

Where least expensive course not taken

(2) Where the least expensive course is not taken by a party, the costs allowed to him shall not exceed what would have been incurred had the least expensive course been taken.

Scale of costs

(3) Except where otherwise ordered by the court hearing an appeal, the costs of an appeal shall be on the scale of costs allowed in county court appeals where the amount involved is within the proper competence of the county court and where it exceeds that amount shall be on the Supreme Court scale.

How documents may be given

89.—(1) Subject to subsection (3) and, except where otherwise ordered by the court, all documents and notices required to be given or that may be given under this Act, may be served in any manner permitted under the Rules of the Supreme Court or, in the alternative, may be sent by certified or registered mail addressed to the intended recipient at his last known mailing address,

- (a) according to the records of the person sending the document; or
- (b) as stated on the most recently registered instrument identifying him as a person having an interest in the premises.

(2) In the absence of evidence to the contrary, a document or notice sent to a person by certified or registered mail shall be deemed to have been received by him on the fifth day following the date on which it was mailed, exclusive of Saturdays and holidays.

When
document
deemed
received

(3) Except where otherwise ordered by the court, the following shall not be sent by certified or registered mail but shall be served in the manner provided in the Rules of the Supreme Court for service of a writ of summons:

Service of
particular
documents,
etc.

1. Statement of claim.
2. Notice of trial or settlement meeting.
3. Notice of appeal.

(4) Where a document or notice is sent by registered mail, the date appearing on the postal registration receipt shall be deemed conclusively to be the date of mailing.

Date of
mailing

90. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing forms and providing for their use;
- (b) prescribing the appropriate offices of the Crown to which claims for lien must be sent;
- (c) prescribing the form and manner of publication of copies of certificates and declarations of substantial performance under section 32.

91. Sections 1 to 51 and section 53 of the *Mechanics' Lien Act*, being chapter 261 of the Revised Statutes of Ontario, 1980, are repealed.

Repeal

92.—(1) This Act comes into force on the 2nd day of April, 1983, and applies to all contracts entered into on or after that date and to the subcontracts arising under those contracts and to all services or materials supplied thereunder.

Commence-
ment and
application

Transitional
R.S.O. 1980,
c. 261

(2) Despite section 91, the *Mechanics' Lien Act* continues to apply to all contracts entered into before the 2nd day of April, 1983, and to the subcontracts arising under those contracts and to all services or materials supplied thereunder.

Idem

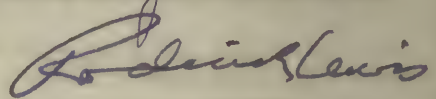
(3) Despite section 91, where a contract entered into before the 2nd day of April, 1983 is amended in good faith on or after that date, the *Mechanics' Lien Act* applies to that amendment and to all subcontracts arising under it and to all services or materials supplied thereunder.

Short title

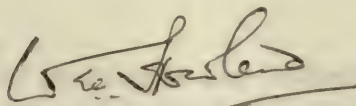
93. The short title of this Act is the *Construction Lien Act*, 1983.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Jan 27 1983



CLERK
LEGISLATIVE ASSEMBLY



Bill 220

(Chapter 17
Statutes of Ontario, 1983)

**An Act for granting to Her Majesty certain
additional sums of money for the Public Service
for the fiscal year ending the 31st day of
March, 1982 and certain sums of money for the
Public Service for the fiscal year ending
the 31st day of March, 1983**

The Hon. F. S. Miller

Treasurer of Ontario and Minister of Economics

<i>1st Reading</i>	February 14th, 1983
<i>2nd Reading</i>	February 14th, 1983
<i>3rd Reading</i>	February 14th, 1983
<i>Royal Assent</i>	February 23rd, 1983

Bill 220

1983

**An Act for granting to Her Majesty certain
additional sums of money for the Public Service
for the fiscal year ending the 31st day of
March, 1982 and certain sums of money for the
Public Service for the fiscal year ending
the 31st day of March, 1983**

MOST GRACIOUS SOVEREIGN:

Whereas it appears by messages from the Honourable John B. Aird, Lieutenant Governor of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in Schedule 1 are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1982 and that the sums mentioned in Schedule 2 are required to defray certain charges and expenses, not otherwise provided for, for the fiscal year ending the 31st day of March, 1983; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) In addition to the sum of \$12,604,272,800 granted by the *Supply Act, 1981*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding \$236,794,600 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1981, to the 31st day of March, 1982, as set forth in Schedule 1, and, subject to subsection (3), such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which Schedule 1 is based.

Supple-
mentary
estimates for
fiscal year
1981-82
1981, c. 74

(2) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$20,248,075,400 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1982, to the 31st day of March, 1983, as set forth in

Estimates
and supple-
mentary
estimates for
fiscal year
1982-83

Schedule 2, and, subject to subsection (3), such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

Exception

(3) Where, in the fiscal year ending the 31st day of March, 1982 or 1983, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedules are based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting
for
expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

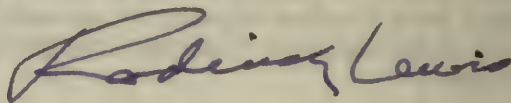
Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Supply Act, 1983*.

SENT TO BY ADMINISTRATOR OF THE PROVINCE February 23, 1983



CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE 1

Supplementary Estimates for
Fiscal year ending 31st March, 1982

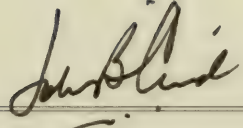
Government Services	\$ 3,837,100
Northern Affairs	1,300,000
Treasury and Economics	6,000,000
Attorney General	3,000,000
Environment	30,000,000
Municipal Affairs and Housing	38,640,400
Natural Resources	1,878,200
Transportation and Communications	14,600,000
Colleges and Universities	5,525,000
Community and Social Services	43,241,600
Health	88,772,300
	TOTAL
	<u>\$236,794,600</u>

SCHEDULE 2

Fiscal year ending March 31, 1983

	Estimates \$	Supplementary Estimates \$	Total \$
Office of the Lieutenant Governor	229,800		229,800
Office of the Premier	2,058,900		2,058,900
Cabinet Office	1,529,400		1,529,400
Management Board	261,586,500		261,586,500
Government Services	365,481,600		365,481,600
Intergovernmental Affairs	7,053,200		7,053,200
Northern Affairs	179,057,900		179,057,900
Revenue	599,660,700		599,660,700
Treasury and Economics	200,309,000	241,000,000	441,309,000
Office of the Assembly	27,296,400	3,441,500	30,737,900
Office of the Provincial Auditor	3,886,000		3,886,000
Office of the Ombudsman	5,124,000	96,000	5,220,000
Justice Policy	858,100		858,100
Attorney General	218,244,500	1,000,000	219,244,500
Consumer and Commercial Relations	91,669,300	1,465,000	93,134,300
Correctional Services	184,656,300		184,656,300
Solicitor General	284,563,500		284,563,500
Resources Development Policy	3,491,200		3,491,200
Agriculture and Food	236,016,700	1,900,000	237,916,700
Energy	128,735,300		128,735,300
Environment	346,061,900		346,061,900
Industry and Trade	68,884,500		68,884,500
Labour	63,809,800		63,809,800
Municipal Affairs and Housing	1,017,976,000		1,017,976,000
Natural Resources	357,232,000		357,232,000
Tourism and Recreation	88,643,200		88,643,200
Transportation and Communications	1,413,868,500		1,413,868,500
Social Development Policy	5,448,700		5,448,700
Citizenship and Culture	221,745,000		221,745,000
Colleges and Universities	1,860,028,000		1,860,028,000
Community and Social Services	1,970,515,000	97,030,100	2,067,545,100
Education	3,032,664,900		3,032,664,900
Health	6,543,757,000	110,000,000	6,653,757,000
TOTAL	<u>19,792,142,800</u>	<u>455,932,600</u>	<u>20,248,075,400</u>

BILL Pr1

A handwritten signature in dark ink, appearing to read 'J. B. L. i', is written over the top right of the page.

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of London

MR. VAN HORNE

BILL Pr1

1982

An Act respecting the City of London

WHEREAS The Corporation of the City of London hereby Preamble
 applies for special legislation in respect of the matters
 hereinafter set forth; and whereas it is expedient to grant the
 application;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts as
 follows:

1. In this Act,

Interpretation

(a) "Corporation" means The Corporation of the City of
 London;

(b) "council" means the council of the Corporation.

PART I

MISCELLANEOUS

2. A by-law passed by the council under clause 143 (4) (a) of
 the *Municipal Act* may provide that the last instalment of the
 debentures shall mature not earlier than five years after the date
 upon which they are issued. Instalment
 debentures
 R.S.O. 1980,
 c. 302

3. Subsection 2 (2) of *The City of London Act, 1971*, being
 chapter 117, is repealed and the following substituted therefor: 1971, c. 117,
 s. 2 (2),
 re-enacted

(2) Subject to subsection (4), no part of any by-law passed
 under this section comes into force without the approval of the
 Ontario Municipal Board. O.M.B.
 approval

(3) The council may give notice of a by-law passed under this
 section in the manner prescribed by the regulations made under
 subsection 39 (25) of the *Planning Act* to the persons and within
 the time prescribed by those regulations and the notice shall,
 with necessary modifications, be in the same form as the form
 prescribed by those regulations. Notice of
 by-law
 R.S.O. 1980,
 c. 379

By-law
effective
if no
objection
filed

(4) When the council proceeds under subsection (3) and no notice of objection has been filed with the clerk of the Corporation within the time prescribed by the regulations referred to in subsection (3), the by-law thereupon comes into effect.

Where
notice of
objection
filed

(5) When the council proceeds under subsection (3) and a notice of objection has been filed with the clerk of the Corporation within the time prescribed by the regulations referred to in subsection (3), the by-law does not come into force without the approval of the Ontario Municipal Board.

Certificate
of clerk

(6) A certificate of the clerk of the Corporation that the notice has been sent in the manner and form and to the persons prescribed by the regulations referred to in subsection (3) and no notice of objection has been filed with the clerk within the time prescribed by those regulations shall be *prima facie* evidence of the facts stated therein.

Building
line for
deferred
highway
widening
R.S.O. 1980,
c. 302

4.—(1) With respect to any by-law heretofore or hereafter passed by the council under section 197 of the *Municipal Act* or a predecessor thereof and notwithstanding any provision contained therein to the contrary, the Corporation may enter into one or more agreements with the owner of land lying between the limit of the highway and the building line fixed in the by-law,

- (a) for permitting such owner to erect, place, maintain and use any building or part thereof closer to the limit of the highway than the building line on such terms and conditions as the council considers appropriate; and
- (b) for providing, notwithstanding subsection 197 (8) of the *Municipal Act* or a predecessor thereof, that the Corporation shall not acquire the land in question before a date named in the agreement, which date shall not be more than ten years from the date of the agreement.

Registration
of agreement

(2) An agreement, containing a local description of the land affected, entered into under subsection (1) may be registered against the title of the land and the Corporation is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, all subsequent owners of the land.

R.S.O. 1980,
cc. 445, 230

Sewer rents

5.—(1) The council may pass by-laws for,

- (a) charging all persons who own or occupy land drained or which by by-law of the council is required to be drained into a common sewer, a reasonable rent for the use of it;

- (b) regulating the time and manner in which the rent is to be paid; and
- (c) providing for the payment of a commutation of such rent or charging a gross sum in lieu of rent and for the payment of such commutation or gross sum either in cash or by instalments with interest at a rate to be determined by the council.

(2) Subsection (1) does not apply to a sewer which is constructed as a local improvement or for which a sewer rate is imposed under section 218 of the *Municipal Act*. Exception

(3) All sewer rents and interest, until payment thereof, shall form a lien and charge upon the land in respect of which the rents have been assessed and rated or charged and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as municipal taxes. Lien

(4) The following by-laws, as set out in Schedule 1, are hereby confirmed to be and to have been always valid and in full force and effect to the extent provided therein and the council is hereby confirmed as having been empowered always to enact the by-laws with respect to the matters contained therein; By-laws confirmed

1. By-law No. A-12-28, passed the 15th day of October, 1928.
2. By-law No. A-12a-31, passed the 15th day of February, 1932.
3. By-law No. A-12 (b)-166, passed the 5th day of July, 1948.
4. By-law No. A-12 (c)-185, passed the 16th day of July, 1951.
5. By-law No. A-12 (d)-316, passed the 5th day of August, 1970.
6. By-law No. A-12 (e)-386, passed the 21st day of June, 1976.

PART II

VICTORIA HOSPITAL CORPORATION

6. In this Part,

- (a) "Hospital" means Victoria Hospital Corporation;

Interpre-
tation

(b) “plant and related works” means the plant and related works referred to in clause 7 (1) (a);

(c) “utilities” means any or all of steam, hot water and electricity;

(d) “Westminster Campus” means the lands described in Schedule 2.

Powers of
Hospital

7.—(1) The Hospital may,

(a) design, construct and operate a plant and related works for the generation and distribution of utilities at Westminster Campus; and

(b) distribute the utilities,

(i) to buildings and structures on land at Westminster Campus owned by the Hospital or by any health care institution, home for the aged or other similar or related institution,

(ii) with the consent of the Lieutenant Governor in Council on the recommendation of the Minister of Energy, to buildings and structures on land at Westminster Campus owned by a person not referred to in subclause (i).

Application of
R.S.O. 1980,
c. 140

(2) If any part of the undertaking described in clause (1) (a) is to use non-conventional fuels such as waste materials, that part of the undertaking shall be deemed to be an undertaking as defined in the *Environmental Assessment Act* and, for the purposes of that part of the undertaking, the Hospital shall be deemed to have been defined as a public body to which the *Environmental Assessment Act* applies.

Powers of
Hospital

8.—(1) For the purpose of designing, constructing and operating the plant and related works and for distributing the utilities, the powers of the Hospital include, without limiting the generality of subsection 7 (1),

(a) subject to subsection 9 (2), the powers conferred on a company incorporated for the purpose of owning, operating or supplying a public utility under the *Public Utilities Act*, but,

R.S.O. 1980,
c. 423

(i) the Hospital shall notify in writing the municipality or authority on which duty to repair has been imposed and the municipality or authority having jurisdiction over any highway, public lane or public communication on, over, under or across which the Hospital proposes to put down, place, install and maintain conduits, pipes,

wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works, and submit to such municipalilties or authorities its plans therefor,

- (ii) such conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works as the Hospital deems necessary or desirable on, over, under or across any public highway, public lane or public communication shall be put down, placed and installed in such location and manner as the municipality or authority on which duty to repair has been imposed may direct and the municipality or authority having jurisdiction over any such highway, lane or public communication may direct that any such highway, lane or public communication be restored to its former state, and any dispute between the Hospital and such municipalities or authorities as to the location and manner of putting down, placing and installing shall be referred to the Ontario Municipal Board to be determined, and the decision of the Ontario Municipal Board shall be final,
- (iii) the Hospital shall indemnify and save harmless the municipality or authority on which duty to repair has been imposed and the municipality or authority having jurisdiction over any such highway, lane or public communication against, from and for any and all damages, claims, losses, costs and expenses sustained or incurred by reason of the negligent use, operation, maintenance, installation, placing and putting down of the conduits, pipes, wires, poles, rods, cables, transformers, machinery, apparatus, devices, appliances, equipment, materials, structures or works by the Hospital, its agents, servants, employees, contractors and subcontractors;
- (b) the power to enter into agreements with any person for the supply of utilities and for determining and fixing charges therefor and the collection thereof and such agreements may be for terms of more than twenty years;
- (c) the power to enter into agreements for the borrowing of money and to borrow money to finance the cost of the design, construction and operation of the plant and related works and receive grants for such purposes;

(d) the power to carry on investigations, experiments, research or development; and

(e) the power to acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

Priority
of supply

(2) An agreement entered into under clause (1) (b) may provide that the Hospital may supply utilities to the users of the utilities in such priority as may be set out in the agreement.

No breach
of contract

(3) Nothing done under a priority provision in any agreement referred to in subsection (2) shall be deemed a breach of contract by the Hospital or entitle any person to rescind any contract or release any guarantor from the performance of his obligation, or render the Hospital, its servants or agents liable in any action-at-law or other legal proceedings for damages or otherwise.

Application of
R.S.O. 1980,
c. 297

9.—(1) The *Mortmain and Charitable Uses Act* does not apply to the Hospital with respect to the plant and related works.

Application of
R.S.O. 1980,
cc. 309, 423

(2) The *Municipal Franchises Act* and sections 54 and 57 of the *Public Utilities Act* do not apply to the Hospital.

Borrowing
by council
for grants

10. The council may, by by-law, without the assent of the electors, authorize the borrowing of money by the issue of debentures with the approval of the Ontario Municipal Board for making grants or loans on such terms and conditions as to security and otherwise as the council may consider expedient toward or in aid of the cost of design, construction or operation of the plant and related works.

Undertaking
by Victoria
Hospital
Corporation

11. For the purposes of every Act, the Hospital shall be the person owning, carrying out, proposing, undertaking, managing or controlling the design, construction and operation of the plant and related works, and the borrowing of money or the making of grants or loans by the Corporation shall be deemed not to be the owning, carrying out, proposing, undertaking, managing or controlling the design, construction and operation of the plant and related works by the Corporation.

Exercise
of powers
by another
corporation

12. The powers conferred on the Hospital by this Act may be exercised by a corporation under the control of the Hospital and, where the powers are exercised by such a corporation, this Part shall apply to the corporation as if it were the Hospital.

Commence-
ment

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. The short title of this Act is the *City of London Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 15, 1982

Roderick Lewis

CLERK

SCHEDULE 1

BY-LAW NO. A-12-28

Relating to Sewerage and Drainage and to provide for an annual sewer rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. Every lot or parcel of land abutting on any street in the city, through which a common sewer runs, and which is opposite to such common sewer, shall be drained into it; and it shall be the duty of the owner and occupier of every lot or parcel of land which is drained into such common sewer to cause the connecting drain between his premises and such common sewer to be kept in good repair. (B. 759, B.4901)

2. No person shall connect any drain from his premises with any common sewer now made or constructed, or which shall hereafter be made or constructed within the city; or with any private drain whereby his premises will be drained into any such common sewer, except on previous application in writing to and permission by the City Engineer, and except there is first placed in the hands of the City Treasurer a deposit of ten dollars in case of a macadamized street, and fifty dollars in case of a paved street as a guarantee to be used in the repair of the sewer and street providing the work is not done without injury thereto — such deposit to remain in the Treasurer's hands for six months — and all such excavations and connections shall be made under the supervision of the City Engineer, or such other officer or person as Committee Number Two shall appoint, and if such officer or person be other than the City Engineer he shall be paid for his services by the person on whose behalf the said connection is made. (B. 759, B.4901)

3. All private drains hereafter made by any person in any public street, lane or alley, within the City, and connecting with any such common sewer, shall be of such size, dimensions and materials and constructed and laid as directed by the City Engineer, and shall enter such common sewer under and according to the person supervision and direction of the City Engineer or other officer appointed as provided for in the last preceding section. (B. 759, B.4901)

4. If the owner and occupier of any lot or parcel of land within the city required by this by-law to be drained into a common sewer shall neglect or refuse to commence the work necessary to cause such lot or parcel of land to be so drained in accordance with the provisions of this by-law for the period of ten days after notice in writing shall have been given to him, either personally or by advertisement published in one of the city newspapers by the City Engineer, or by any person under the authority and instruction of the said Number Two Committee; or to prosecute the same without delay and to the satisfaction of the said Engineer; or to make good any want of repair which shall be found in any drain now or hereafter constructed for the purpose of connecting such lot or parcel of land with such common sewer; or to remove any obstruction that may be found therein, the necessary work may be done by the Council, and the cost thereof shall be assessed against such lot or parcel of land. (B. 759, B.4901)

5. No person shall injure any common sewer or private drain or sewer connecting therewith. (B. 759, B.4901)

6. The owners and occupiers of all property abutting on any street upon which a common sewer has been constructed, who have heretofore paid the sum required by By-law to be paid for the privilege of using such common sewer, shall continue the use of same, free of charge, for the number of feet for which they

have so paid, and if the property be a corner or triangular lot they shall, subject to the certificate of the City Engineer, be exempt from assessment for or payment of sewer rates upon any other sewer or drain constructed on any other street adjoining the said property to an extent not exceeding one hundred and twenty feet, provided the frontage upon such other street is used and occupied in connection with the premises upon which the previous rates were paid. (B. 759, B.4901)

7. Every person who has heretofore or shall hereafter make use of any of the common sewers of the city by draining into the same and who shall not have been or shall not be assessed for the cost of the construction thereof shall pay a rental for the use of same, and shall pay for all work and materials required to make the connection. (B.3311, B. 759, B.4901)

8. The rental shall be a yearly sum equal to ten cents per lineal foot frontage of the lot or parcel of land which has been or shall be so drained into the same common sewer. (B. 759, B.3311 am. B.4901)

9. Where any lot, the owner of which is liable to pay the same rental, has a frontage upon more than one street the drainage shall be reckoned upon that street upon which the lot, according to the original survey, fronts. (B. 759, B.4901)

10. That the rental shall be placed upon the Collector's Roll in each year for the term of ten years and shall be levied and collected by the same persons at the same time and in the same way as the taxes are levied and collected, provided that ratepayers who have constructed a drain along a street, and the said drain afterwards is accepted by the Council as a common sewer, shall be charged three years sewer rental as provided by sections 7, 8, 9 and 10 of the said By-law No. 759, and provided further that ratepayers who have paid the said sewer rental as provided by sections 7, 8, 9 and 10 of the said By-law No. 759 for a term of years and are afterwards charged for sewer construction under a local improvement sewer by-law, shall be entitled to a refund of two-thirds of the sewer rental paid by the said ratepayers. (B. 759, B.3424, B.4901)

11. Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay at the discretion of the convicting Magistrate, a penalty not exceeding the sum of fifty dollars for each offence, exclusive of costs, and in default of payment of the said penalty and costs forthwith, the said penalty and costs, or the costs only, may be levied by distress and sale of the goods and chattels of the offender; and in case of there being no distress found out of which such penalty can be levied, the convicting magistrate may commit the offender to the common jail of the County of Middlesex, with or without hard labor, for any period not exceeding twenty-one days, unless the said penalty and costs be sooner paid. (B. 759, B.4901)

12. That By-law No. 759, passed on the 9th day of January, A.D. 1893, By-law No. 3311, passed on the 2nd day of November, A.D. 1908, By-law No. 3424, passed on the 20th day of September, A.D. 1909, and By-law No. 4901, passed on the first day of March, A.D. 1915, be, and the same are, hereby repealed.

PASSED in open Council this fifteenth day of October, A.D. 1928.

G. A. WENIGE,
Mayor.

S. BAKER,
Clerk.

BY-LAW NO. A-12a-31

To amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That section 8 of By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the fifteenth day of October, A.D., 1928 be, and the same is, hereby amended by striking out the word "ten" in the first line thereof and substituting therefor the word "twenty".

PASSED in open Council this fifteenth day of February, A.D. 1932.

GEO. HAYMAN,
Mayor,

S. BAKER,
Clerk.

BY-LAW NO. A-12 (b)-166

To amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That By-law No. A-12 (a)-31 to amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the 15th day of February, A.D. 1932, be, and the same is, hereby repealed.

2. That section 8 of By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the 15th day of October, A.D. 1928, be, and the same is, hereby amended by deleting the word "ten" in the first line thereof and substituting therefor the word "forty".

PASSED in open Council this fifth day of July, A.D. 1948.

G. A. WENIGE,
Mayor.

R. H. COOPER,
Clerk.

BY-LAW NO. A-12 (c)-185

A by-law to amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases.

WHEREAS the Council of the Corporation of the City of London, on the 16th day of July, 1951, adopted the eleventh clause of the Fifteenth Report of No. 2 Committee, namely:

"That the sewer rental by-law be amended to provide for a sixty cent per foot rate, effective on all connections made after the date of the amendment of the by-law, in view of the fact that this was the average per foot for the construction of sewers during 1950, on the recommendation of the Administration Board".

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That section 8 of By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual sewer rental in certain cases, passed on the 15th day of October, A.D. 1928, be, and the same is, hereby amended by deleting the word "ten" in the first line thereof and substituting therefor the word "sixty".

2. That By-law No. A-12 (a)-31 to amend the said By-law No. A-12-28, passed on the 15th day of February, A.D. 1932, and By-law No. A-12 (b)-166 to amend the said By-law No. A-12-28, passed on the fifth day of July, A.D. 1948, be, and the same are, hereby repealed.

PASSED in open Council this 16th day of July, A.D. 1951.

A. J. RUSH,
Mayor.

R. H. COOPER,
Clerk.

BY-LAW No. A-12 (d)-316

A by-law to amend By-law No. A-12-28 relating to sewerage and drainage and to provide for an annual rental in certain cases.

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That Section 8 of By-law No. A-12-28, as amended, relating to sewerage and drainage and to provide for an annual rental in certain cases, passed on the 15th day of October, A.D. 1928, be, and the same is, hereby further amended by deleting the word "sixty" in the first line thereof and substituting therefor the word "eighty".

2. That this by-law shall come into force and take effect on the day of the final passing thereof.

PASSED in open Council this fifth day of August, A.D. 1970.

H. J. McCLURE,
Mayor.

R. H. COOPER,
Clerk.

First reading — August 5, 1970

Second reading — August 5, 1970

Third reading — August 5, 1970

BY-LAW No. A-12 (e)-386

A by-law to amend By-law No. A-12-28 entitled "Relating to Sewerage and Drainage and to provide for an annual sewer rental in certain cases".

BE IT ENACTED by the Municipal Council of the Corporation of the City of London, as follows:

1. That Section 8 of By-law No. A-12-28, passed on the fifteenth day of October, 1928, entitled "Relating to Sewerage and Drainage and to provide for an annual sewer rental in certain cases", be, and the same is, hereby repealed and the following substituted therefor, namely:

"8. The rental rate for the use of a main storm or sanitary sewer be increased from 80¢ per foot frontage each year for 10 years to be equal to the prevailing Local Improvement rates for storm and sanitary sewers."

2. That this by-law shall come into force and take effect on the day of the final passing thereof.

PASSED in open Council this twenty-first day of June, A.D. 1976.

JANE BIGELOW,
Mayor.

W. S. ROSS,
City Clerk.

First reading — June 21, 1976

Second reading — June 21, 1976

Third reading — June 21, 1976

SCHEDULE 2

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of London (formerly in the Township of Westminster) in the County of Middlesex, in the Province of Ontario, more particularly described as follows:

Firstly: Part of Lot 24, in Concession 1 of the said Township, being that portion designated as Part 1 on a Reference Plan deposited in the Land Registry Office for the Registry Division of Middlesex East (No. 33) as Plan 33R-1166;

Secondly: Part of Lot 24, in Concession 1 of the said Township, being that portion designated as Part 2 on a Reference Plan deposited in the said Land Registry Office as Plan 33R-972;

Thirdly: Parts of Lots 22, 23 and 24, in Concession 1 of the said Township, and parts of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 according to a Plan registered in the said Land Registry Office as Number 125, being that portion designated as Part 2 on a Reference Plan deposited in the said Land Registry Office as Plan 33R-1496;

Together with a Right-of-Way in, over, along and upon that part of the said Lot 24, Concession 1, designated as Part 3 on the said Reference Plan 33R-1496, the said right-of-way being appurtenant to the hereinbefore described lands.

Fourthly: Part of Lots 23 and 24, in Concession 1 of the said Township, being that portion designated as Part 1 on a Reference Plan deposited in the Land Registry Office for the Registry Division of Middlesex East (No. 33) as Plan 33R-1496;

Subject to an easement in favour of Ontario Hydro, formerly The Hydro-Electric Power Commission of Ontario, in, over, along and upon that part of the said Part 1 on Plan 33R-1496 as set out in an instrument registered in the said Land Registry Office as Number 45167.

An Act respecting the City of London

1st Reading

May 10th, 1982

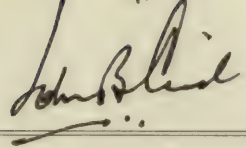
2nd Reading

June 15th, 1982

3rd Reading

June 15th, 1982

MR. VAN HORNE



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Toronto

Ms. FISH

BILL Pr3

1982

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, herein Preamble
called the Corporation, hereby applies for special legisla-
tion in respect of the matters hereinafter set forth; and whereas it
is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Subsection 2 (2) of *The City of Toronto Act, 1968-69* 1968-69,
c. 168, s. 2 (2),
re-enacted
(No. 2), being chapter 168, is repealed and the following
substituted therefor:

(2) The executive committee has all the powers and duties of a Powers
board of control under subsections 71 (1) and (2) of the *Municipal* R.S.O. 1980,
c. 302
Act and subsections 71 (3) to (16) and (18) and (19) of that Act
apply with necessary modifications to the executive committee,
but any requirement in any such subsection for a two-thirds vote
of council may be satisfied by a simple majority of the members
of council present and voting.

2. Notwithstanding any general or special Act, the Board of Business
improvement
areas, grants
re highways
Management of an improvement area in the City of Toronto
established under section 217 of the *Municipal Act* may make
grants in respect of the improvement or beautification of any
highway in the improvement area, whether or not the highway is
under the jurisdiction of the Corporation.

3. Notwithstanding any general or special Act, the Board of Bloor West
Village
Improvement
Area
Management for the Bloor West Village Improvement Area may
reimburse the Corporation over a period of five years from the
date this section comes into force in respect of a grant in the
amount of \$25,000 made by the Corporation to The Municipality
of Metropolitan Toronto to be used for the improvement of cer-
tain highways in that area, and for the purposes of this section,
subsections 217 (12) and (13) of the *Municipal Act* do not apply.

Loan
guarantees
and interest,
City of
Toronto
Non-profit
Housing
Corporation
R.S.O. 1980,
c. 209

4. Notwithstanding the *Housing Development Act* and the articles of incorporation of the City of Toronto Non-profit Housing Corporation, the Corporation may, with the approval of the Minister of Municipal Affairs and Housing,

- (a) charge interest, at a rate as may be agreed, upon moneys loaned, whether before or after the coming into force of this Act, by the Corporation to the City of Toronto Non-profit Housing Corporation for its purposes; and
- (b) guarantee loans made to the City of Toronto Non-profit Housing Corporation upon such terms as may be agreed.

Toronto
Sesqui-
centennial
Board

5.—(1) The council of the Corporation may, by by-law, establish a Board to be known as the "Toronto Sesquicentennial Board".

Objects
of Board

(2) The objects of the Board are to promote, co-ordinate and administer events in celebration of the 150th anniversary of the City of Toronto and to do all things necessary for or incidental to the attainment of such objects and, without limiting the generality of the foregoing, the Board may receive, manage, control and use,

- (a) donations by any person given for such purposes; and
- (b) grants made by the council of the Corporation to further such purposes.

Body
corporate,
members

(3) The Board is a body politic and corporate and shall consist of not fewer than seven members, at least five of whom shall be members of the council of the Corporation.

Appointment

(4) The members of the Board shall be appointed by the council of the Corporation and shall be appointed for a term expiring with the life of the council that appointed them and until their successors are appointed, and any such member is eligible for reappointment.

No
remuneration

(5) The members of the Board shall serve without remuneration.

Termination
of office

(6) The council of the Corporation may at any time terminate the office of a member of the Board.

Vacancies

(7) Where a person ceases to be a member of the Board before the expiration of his term, the council of the Corporation may appoint another person for the unexpired term of the person ceasing to be a member.

(8) The Board shall cause, as soon as possible after the 1st day of January in each year, to be elected a president, vice-president, secretary and treasurer and such other officers as it may deem necessary to properly conduct the business of the Board during the said year. Officers

(9) The Board shall meet at least once in every two calendar months. Meetings

(10) A notice of every meeting shall be given to each member of the Board not less than seven days before the time when the meeting is to be held. Idem

(11) A majority of the members of the Board constitutes a quorum. Quorum

(12) The Board shall keep proper minutes and records of every meeting of the Board and shall forward true copies of such minutes and records to all members of the Board and to the clerk of the Corporation as soon as possible after each meeting. Records

(13) The Board may determine the qualifications, responsibilities, duties, positions, remuneration, terms and conditions of employment or service of the officers, servants, employees or other persons engaged or employed by the Board. Powers re: officers, employees, etc.

(14) The Board shall at all times maintain in force, at the sole expense of the Board, and shall deposit and keep deposited with the treasurer of the Corporation, such policies of insurance in respect of the Board as are required by the treasurer of the Corporation. Insurance

(15) The Board shall adopt and maintain only such banking arrangements and accounting practices as are acceptable to the City Auditor and the Board shall keep such books of accounts and submit to the City Auditor such statements from time to time as the City Auditor may require. Accounts

(16) The City Auditor shall at all reasonable times have access to all the books of account and records of the Board for inspection and audit purposes. Inspection, etc., by City Auditor

(17) The Board shall, as soon as possible after the 31st day of December in each year, submit to the council of the Corporation financial statements that have been audited by the City Auditor covering the operations of the Board for the previous fiscal year. Annual statement

(18) The fiscal year of the Board shall be the calendar year. Fiscal year

Application
of income and
termination

(19) The property and the income, revenue and accretions of the Board shall be applied solely to promote the objects of the Board and, upon the termination of the Board, any property or assets remaining after the payment of debts shall be paid to the Corporation to form part of its general funds.

Name

(20) With the approval of the council of the Corporation, the Board may identify itself to the public by a name or style other than that designated in subsection (1).

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *City of Toronto Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 7 1982

Robert L. Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the City of Toronto

1st Reading

March 15th, 1982

2nd Reading

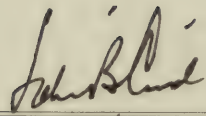
May 31st, 1982

3rd Reading

June 4th, 1982

Ms. FISH

BILL Pr5

A handwritten signature in dark ink, appearing to be 'John B. ...', is written over the top right of the page.

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Hamilton

MR. CHARLTON

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL Pr5

1982

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton hereby Preamble
represents that a writ of summons was issued against certain councillors and against William Cockman, the former Director of the Hamilton Visitors' Convention Bureau, by Daniel Kljajevich, carrying on business as Casino Limousines, for damages for conspiracy to injure the plaintiff in his trade relations during 1970 and continuing until the present time; that it is considered desirable that the Corporation assume and pay all costs and legal expenses as may be incurred from time to time and the full amount of any judgment as may be awarded as a result of the writ of summons issued or as may be issued and in respect of any other legal matter arising out of the claim; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "claim" means a claim mentioned in a writ and any other legal matter arising out of the writ;
- (b) "Corporation" means The Corporation of the City of Hamilton;
- (c) "councillor" means any person who is or was a member of the council of the Corporation;
- (d) "defendants" means councillors Frederick Lombardo, Patrick Valeriano, James Campbell, James Bethune, Jack MacDonald and any other councillor who is named in a writ as a defendant and William Cockman;
- (e) "writ" means a writ of summons issued or as may be issued in the Supreme Court of Ontario by or on behalf

of Daniel Kljajevich, carrying on business as Casino Limousines, against the defendants or one or more of them.

Payment of
judgment and
legal
expenses
authorized

2. The council of the Corporation is hereby authorized to assume and pay all costs and legal expenses as may be incurred from time to time and the full amount of any judgment as may be awarded as a result of a writ for a claim against the defendants or one or more of them.

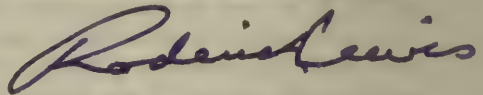
Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *City of Hamilton Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 23, 1982



CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
City of Hamilton

1st Reading

March 15th, 1982

2nd Reading

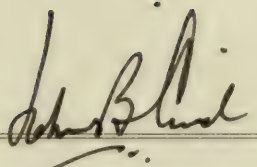
April 23rd, 1982

3rd Reading

April 23rd, 1982

MR. CHARLTON

BILL Pr6



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Windsor

MR. COOKE

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL Pr6

1982

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor, herein Preamble
called the Corporation, hereby applies for special legisla-
tion in respect of the matters hereinafter set forth; and whereas it
is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

1.—(1) In addition to the powers given by paragraph 61 of Lodging homes
section 208 of the *Municipal Act*, the council of the Corporation R.S.O. 1980,
may pass by-laws for, c. 302

(a) prohibiting the keeper of a lodging house from accept-
ing as a resident any person who has received a certifi-
cate of eligibility for extended care service as an insured
person under the *Health Insurance Act*;

R.S.O. 1980,
c. 197

(b) establishing terms and conditions where a resident of a
lodging house receives a certificate of eligibility for
extended care service as an insured person under the
Health Insurance Act, under which such resident may
remain in the lodging house;

(c) authorizing the licensing committee of the Corporation
to permit variances from the requirements of a by-law
passed under this section and paragraph 61 of section
208 of the *Municipal Act*; and

(d) establishing a minimum room size in a lodging house.

(2) A by-law passed under this section or under paragraph 61
of section 208 of the *Municipal Act* may prescribe different stan- Different
dards with respect to lodging houses established prior to the 1st standards
day of September, 1982, than the standards prescribed with
respect to lodging houses established after that date.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *City of Windsor Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec 21 19 *82*

Roderic Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the City of Windsor

1st Reading

March 29th, 1982

2nd Reading

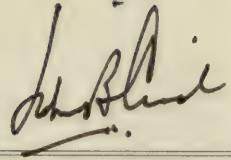
December 21st, 1982

3rd Reading

December 21st, 1982

MR. COOKE

BILL Pr7



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Mississauga

MR. KENNEDY

1891

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An Act respecting the City of Mississauga

WHEREAS The Corporation of the City of Mississauga, Preamble
 herein called the Corporation, hereby applies for special
 legislation in respect of the matters hereinafter set forth; and
 whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts as
 follows:

- 1.**—(1) The council of the Corporation may pass by-laws, By-laws re:
dog control,
barbed wire,
parking, fill,
places of
amusement,
fees
- (a) for requiring any person who owns or harbours a dog to keep the dog leashed and under the care and control of some person unless the dog is,
 - (i) on the lands of the person who owns or harbours it, or
 - (ii) on the lands of a person who has consented to the dog being on the lands while it is unleashed;
 - (b) for requiring any person who owns or harbours a dog to remove forthwith any excrement left by the dog on any highway and on any other land of the Corporation and any local board thereof and for excluding from the operation of the by-law such class or classes of physically handicapped persons as may be set out in the by-law;
 - (c) for prohibiting or regulating the use of barbed wire fencing in the municipality or in any defined area thereof;
 - (d) for prohibiting or regulating the parking on highways, or any part thereof, within residential zones in the municipality of vehicles, or any class thereof, having a gross vehicle weight, as shown on the permit for the

R.S.O. 1980,
c. 198

vehicle issued under the *Highway Traffic Act*, of not less than 3000 kilograms;

- (e) for prohibiting or regulating the placing or dumping of fill of any kind in any defined area or areas in the municipality, other than those areas subject to regulations made under clause 28 (1) (f) of the *Conservation Authorities Act*;

R.S.O. 1980,
c. 85

- (f) for requiring the payment of fees for documentary, written or printed information relating to any land, building or structure in the municipality furnished at the request of any person by such official of the Corporation as is named in the by-law and prescribing the amounts thereof which amounts shall not exceed the reasonable cost of furnishing such information;

R.S.O. 1980,
c. 51

- (g) for requiring the payment of a fee for the inspection of any premises to determine if the premises comply with the *Building Code Act* and regulations thereunder, where the inspection is not related to the administration or enforcement of that Act and prescribing the amount of the fee, which amount shall not exceed the reasonable cost of conducting the inspection; and

- (h) for licensing, regulating and governing persons engaged in the installation and repair of air conditioning equipment of any kind.

Application of
R.S.O. 1980,
c. 302, s. 78

- (2) A by-law passed under clause (1) (f) does not apply so as to affect the rights of any person under section 78 of the *Municipal Act*.

Fill
by-laws,
proviso

- (3) Where a regulation is made under clause 28 (1) (f) of the *Conservation Authorities Act* respecting the placing or dumping of fill in any area of the municipality, a by-law passed under clause 1 (e) of this section ceases to have effect in that area of the municipality upon the coming into force of the regulation.

Local improve-
ments, fences
and noise
abatement
works

- 2.**—(1) The council of the Corporation may undertake, as a local improvement, the construction or erection or repair of fences and noise abatement works upon or along highways under the jurisdiction of the Corporation.

Application of
R.S.O. 1980,
c. 250

- (2) The *Local Improvement Act*, except sections 2, 60 and 61, applies to local improvements described in subsection (1).

Exemption

- (3) Where an owner establishes to the satisfaction of the council of the Corporation that the fence or noise abatement work

abutting his property is in a good state of repair, the lands of that owner shall be exempt from inclusion as a local improvement.

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. The short title of this Act is the *City of Mississauga Act*, Short title
1982.

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 7 1982

Robina Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
the City of Mississauga

1st Reading

March 11th, 1982

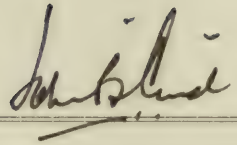
2nd Reading

May 31st, 1982

3rd Reading

June 4th, 1982

MR. KENNEDY

A handwritten signature in dark ink, appearing to be 'L. J. ...', is written over the top right of the page.

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting 373800 Ontario Limited

MR. WILLIAMS

BILL Pr11

1982

An Act respecting 373800 Ontario Limited

WHEREAS 373800 Ontario Limited, herein called the Corporation, hereby represents that articles of incorporation were filed on the 19th day of December, 1977 for the purpose of incorporating the Corporation; that the incorporators of the Corporation assumed that the Corporation could carry on business as a corporation from the 19th day of December, 1977 and that the Corporation has been carrying on business since that date; that in fact the certificate of incorporation for the Corporation was not issued until the 22nd day of February, 1979 and the certificate of incorporation issued gave as its incorporation date the 22nd day of February, 1979; that the Corporation considers it desirable that it be deemed to have been incorporated on the day its articles of incorporation were filed; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to any rights acquired by any person before the 22nd day of February, 1979, 373800 Ontario Limited shall be deemed to have been incorporated under *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, on the 19th day of December, 1977. Date of incorporation

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *373800 Ontario Limited Act, 1982*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 23 1982

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
373800 Ontario Limited

1st Reading

April 1st, 1982

2nd Reading

April 23rd, 1982

3rd Reading

April 23rd, 1982

MR. WILLIAMS

Liberal

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Barrie

MR. McLEAN

BILL Pr12

1982

An Act respecting the City of Barrie

WHEREAS The Corporation of the City of Barrie, herein Preamble
called the Corporation, hereby applies for special legisla-
tion in respect of the matters hereinafter set forth; and whereas it
is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

1.—(1) Where the council of the Corporation has the author- Collection
ity under the *Municipal Act* or the *Planning Act* to direct or of
require by by-law or otherwise that any matter or thing be done expenses
and that, in default of its being done by the person directed or R.S.O. 1980,
required to do it, such matter or thing shall be done at his cc. 302, 379
expense, the Corporation shall have a lien for any amount
expended by or on behalf of the Corporation and for an adminis-
trative fee, including legal costs and disbursements, which
administrative fee shall not exceed the reasonable administrative
expenses of the Corporation, and the certificate of the clerk of the
Corporation as to the total amount expended shall be admissible
in evidence as *prima facie* proof of the total amount expended
and such total together with the administrative fee shall be
deemed to be municipal real property taxes and shall be added to
the collector's roll of taxes to be collected and shall be subject to
the same penalty and interest charges as real property taxes and
shall be collected in the same manner and with the same
remedies as real property taxes.

(2) Before the certificate of the clerk of the Corporation is Interim
issued under subsection (1), an interim certificate shall be served certificate
on the owner of the property that is subject to the lien, as well as and appeal
to all prior mortgagees or other encumbrancers, which service
shall be made by personal service or by registered mail addressed
to the person to whom it is to be given at his usual or last known
place of address, or, where the last known place of address is that
shown on the registered instrument under which he acquired his
interest, to such address, or by leaving it at one of such places of
address, and where service is effected by registered mail, such

service shall be deemed to have been made on the fourth day following the mailing of the certificate, and the affected owner, mortgagees or other encumbrancers shall have two weeks from the date of service of the interim certificate to appeal the amount shown thereon to the council of the Corporation.

Collection
of loans
R.S.O. 1980,
cc. 379, 209

(3) Where the council of the Corporation has the authority under the *Planning Act* or the *Housing Development Act* to provide for the making of loans to the registered owners of land to pay for,

- (a) the whole or any part of the cost of repairs required to be done; or
- (b) the clearing, grading and levelling of the lands,

on such terms and conditions as the council of the Corporation may prescribe, the Corporation shall have a lien for any amount loaned by or on behalf of the Corporation and for an administrative fee, including legal costs and disbursements, which administrative fee shall not exceed the reasonable administrative expenses of the Corporation incurred in connection with the loan, and the certificate of the clerk of the Corporation as to the total amount loaned shall be admissible in evidence as *prima facie* proof of the total amount loaned and, if default is made with respect to any terms of the loan, the whole of the balance of the loan, together with accrued interest thereon at the time of the default, becomes due and payable forthwith and the amount of such balance including interest and including so much of the administrative fee as remains unpaid shall be deemed to be municipal real property taxes and shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in the same manner and with the same remedies as real property taxes.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *City of Barrie Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 23, 1982

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the City of Barrie

1st Reading

April 1st, 1982

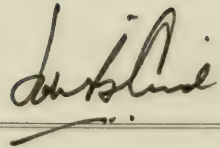
2nd Reading

April 23rd, 1982

3rd Reading

April 23rd, 1982

MR. MCLEAN

A handwritten signature in dark ink, appearing to be 'L. B. ...', is written in the top right corner of the page.

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act respecting
The University of Western Ontario**

MR. VAN HORNE

BILL Pr14

1982

An Act respecting The University of Western Ontario

WHEREAS The University of Western Ontario hereby Preamble
applies for special legislation varying the provisions of its
Act of incorporation in relation to its organization, government
and administration; and whereas it is expedient to grant the
application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “academic staff” means those persons employed by the University whose duties are primarily those of performing and administering teaching and research functions and who are included in the instructor, lecturer and professorial ranks;
- (b) “academic unit” means a faculty, school, college or other academic division however designated by the University which offers programs leading to a degree;
- (c) “academic year” means the academic year as determined by the University;
- (d) “administrative staff” means those employees of the University who are not members of the academic staff;
- (e) “Alumni Association” means the organization of alumni recognized by the Board;
- (f) “Board” means The Board of Governors of the University;
- (g) “Faculty” means the full-time members of the academic staff of the University including the Vice-Chancellor

and academic Deans and such of the part-time members of the academic staff of the University as the Senate may from time to time determine;

- (h) "membership year" means any twelve-month period or periods established from time to time by the Board and by the Senate, respectively;
- (i) "property" means all property, both real and personal;
- (j) "real property" means messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (k) "Senate" means the Senate of the University;
- (l) "student" means any person who is registered as a full-time or part-time student in an academic unit of the University, but, except in subclause 24 (1) (e) (i), does not include a student of an affiliated college;
- (m) "University" means The University of Western Ontario, but does not include any college affiliated with the University.

Conflict with
R.S.O. 1980,
c. 95

(2) In the event of a conflict between any provision of this Act and any provision of the *Corporations Act*, the provision of this Act prevails.

University
continued

2. The University, commonly known as "Western", the Board and Senate and the statutes and regulations of, appointments in and affiliation of colleges with, the University, existing at the time this Act comes into force, are and each of them is hereby continued, subject to this Act.

Religious
tests not
required

3. The government, management and control of the University shall continue to be undenominational and no religious test shall be required of any officer, member of the academic or the administrative staffs, employee or student of the University, nor shall any religious observances be imposed.

Proceedings
by or against
University

4. All proceedings by or against the University may be had and taken in the name of "The University of Western Ontario".

PROPERTY

Property in
trust vested
in Board

5. All property heretofore or hereafter acquired by the University or any academic unit, residence or ancillary operation of the University, whether or not such property is acquired subject

to any trust, shall, subject to any trust affecting the same, vest in the Board absolutely.

6.—(1) All real property vested in the Board shall, as far as the application of any statute of limitations is concerned, including any statute limiting or defining the period for the investigation of titles, be deemed to have been and to be real property vested in the Crown for the public use of the Province of Ontario.

Application
of statute of
limitations
to property

(2) The University has, in addition to the powers, rights and privileges mentioned in section 26 of the *Interpretation Act*, power to purchase or otherwise acquire, take or receive, by gift, bequest or devise, and to hold and enjoy without licence in mortmain and without limitation as to the period of holding any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof.

Power to deal
with realty
and
personalty
R.S.O. 1980,
c. 219

7. Real property vested in the Board shall not be subject to expropriation by any person possessing the power to expropriate land or interests in land, except a municipal corporation, unless the Act conferring the power to expropriate on such person makes express reference to such real property.

Land vested
in Board
not liable to
expropriation

THE BOARD OF GOVERNORS

8. The Board of Governors of the University is hereby continued as a body corporate by the name and style of "The Board of Governors, The University of Western Ontario".

Board
continued

9.—(1) The Board shall consist of,

Composition
of Board

(a) the following *ex officio* members,

(i) the President of the University,

(ii) the mayor of the City of London or an alternate appointed under the provisions of the *Municipal Act*,

R.S.O. 1980,
c. 302

(iii) the warden of the County of Middlesex or an alternate appointed under the provisions of the *Municipal Act*,

(iv) the Chancellor of the University, and

- (v) the Secretary of the Board, who shall be a non-voting member;
- (b) two persons appointed by the council of the City of London;
- (c) four persons appointed by the Lieutenant Governor in Council;
- (d) four persons appointed or elected by the Alumni Association of the University;
- (e) four members of the Faculty of whom,
 - (i) two shall be members of the Senate at the time of election and be elected by the Senate, and
 - (ii) two shall be elected by the Faculty from among those members of Faculty of the rank of assistant professor or higher who have held academic appointments at the University for at least four academic years;
- (f) three students of whom,
 - (i) two shall be undergraduate students at the time of election and be elected by the undergraduate students, and
 - (ii) one graduate student elected by the graduate students,

but an undergraduate student to be eligible for election must have completed one academic year at the University as a full-time student or the equivalent thereof as a part-time student;
- (g) two members of the full-time administrative staff elected thereby;
- (h) four persons elected by the members of the Board, but the President and the Vice-Presidents shall not vote in such elections; and
- (i) such Vice-Presidents, not exceeding three in number, as are appointed members by the Board to serve at the pleasure of the Board, but the Vice-Presidents appointed hereunder shall not vote in such appointments or the terminations thereof.

(2) Subject to section 16, the failure to appoint or elect a member as provided in subsection (1) does not invalidate the composition of the Board, and, where a default continues for three months after an appointment or election should have been made, the remaining members of the Board may, but shall not be obliged to, elect a member eligible to fill the vacancy. Failure to elect or appoint

(3) The members to be elected under subsection (1) shall be elected in accordance with such procedures as shall be determined and established by the Board, but in the election of members under clauses (e), (f) and (g) of that subsection, the election shall be by secret ballot. Election procedures

10.—(1) Except as provided in this section, each member of the Board shall hold office for four membership years, shall be eligible for reappointment or re-election, as the case may be, and if otherwise eligible shall hold office until a successor is appointed or elected. Term of office

(2) Subject to subsection (5), a student elected to the Board under clause 9 (1) (f) shall hold office for a term of two membership years. Idem

(3) No member shall hold office for more than two consecutive terms, excluding therefrom the balance of an unexpired term for a person appointed or elected thereto under section 13, or a term reduced under subsection (5), but any such member shall again be eligible for reappointment or re-election after a lapse of two years after the expiration of the second of two consecutive terms. Idem

(4) Notwithstanding subsection (3), the term of a member who is serving as chairman of the Board may be extended by the Board for a maximum of two years subject to the concurrence of the authority which appointed or elected such member. Idem

(5) The Board shall provide for staggered terms of office. Staggered terms of office

(6) This section does not apply to an *ex officio* member of the Board or to a member appointed under clause 9 (1) (i). Saving

11.—(1) Except as provided in clauses 9 (1) (a), (e), (f), (g) and (i), no person who is a member of the academic staff or administrative staff, or a student of the University or an affiliated college, or who is a member of the governing body, faculty, staff or student body of any other degree-granting institution, is eligible for appointment or election as a member of the Board. Eligibility

(2) A member of the Board must be a Canadian citizen. Canadian citizenship

Membership
vacated

12.—(1) The membership of a member of the Board is vacated when such member resigns or ceases to be eligible for appointment or election to the Board.

Resolution

(2) Where a member of the Board becomes incapable of acting as a member, the Board by resolution shall declare such membership vacant.

Meetings

(3) Where within any membership year a member of the Board, other than an *ex officio* member, not having been granted leave of absence by the Board, attends less than 50 per cent of the regular meetings of the Board, the Board by resolution may declare such membership vacant.

Idem

(4) Where within any membership year a member of the Board, other than an *ex officio* member, not having been granted leave of absence by the Board, attends less than 25 per cent of the regular meetings of the Board, the Board by resolution shall declare such membership vacant.

Procedure

(5) Membership on the Board, other than for *ex officio* members and the Vice-Presidents, may be terminated by resolution of the Board carried by two-thirds of the total voting membership at a meeting of the Board, not less than thirty days after written notice containing reasons for this proposed action is delivered to the last known place of residence of the member.

Proof

(6) A resolution declaring a vacancy, entered in the minutes of the Board, is conclusive evidence of the vacancy.

Filling
vacancies

13. Where a vacancy on the Board occurs before the term of office for which a person has been appointed or elected has expired,

- (a) if the vacancy is that of an appointed member, the vacancy may be filled by the same authority which appointed the person whose membership is vacant; and
- (b) if the vacancy is that of an elected member, the Board in its sole discretion shall determine if the vacancy is to be filled and, if so, the manner and procedure for doing so,

and a person appointed or elected hereunder shall hold office for the remainder of the term of office of the person whose membership is vacant.

Chairman
and vice-
chairman

14.—(1) The Board shall elect a chairman and a vice-chairman from among the members appointed or elected under clauses 9 (1) (b), (c), (d) and (h), and in the case of the absence or

illness of the chairman or of there being a vacancy in that office, the vice-chairman shall act as and have all the powers of the chairman.

(2) In the case of absence or illness of the chairman and vice-chairman or of there being vacancies in these offices, the Board may appoint one of its members appointed or elected under clauses 9 (1) (b), (c), (d) and (h) to act as chairman for the time being and the member so appointed shall act as and have all the powers of the chairman. Absence

(3) The term of office of the chairman and vice-chairman shall be as determined by the Board. Term of office

15. The quorum of the Board, to be designated by by-law of the Board, shall consist of not fewer than ten members, at least one-half of whom shall consist of members of the Board appointed or elected, as the case may be, under clauses 9 (1) (b), (c), (d) and (h). Quorum

16. The Board may exercise any of its powers as long as there are at least sixteen members in office, not including *ex officio* members and members appointed under clause 9 (1) (i). Exercise of powers

17.—(1) A member of the Board or of a committee created by it who is in any way interested in a matter which conflicts with the interests of the University shall declare such interest as soon as possible and no later than at any meeting at which the matter is to be considered and shall not take part in the discussion or vote thereon and may be required to withdraw from the meeting during the discussion. Conflict of interest

(2) Notwithstanding subsection (1), every member of the Board who is an employee of the University may take part in discussions and vote on matters related to the financial operation of the University other than on matters related to the remuneration, benefits or working conditions of a class or group of employees of the University and the President and every Vice-President appointed to the Board under clause 9 (1) (i) may also take part in discussions and vote on matters related to the remuneration, benefits or working conditions of a class or group of employees of the University. Idem

(3) Except as permitted by subsection (2), where a member of the Board who is an employee of the University has a direct pecuniary interest in a contract or proposed contract with the University, the member shall declare such interest in accordance with subsection (1) and shall not take part in the discussion or vote thereon, and may be required to withdraw from the meeting during the discussion. Idem

Idem

(4) Where the Board is of the opinion that a conflict of interest exists but has not been declared as required by subsection (1) or (3), the Board may declare, by a resolution carried by two-thirds of the total voting membership at a meeting of the Board, that a conflict of interest exists and a member thus found to be in conflict shall withdraw from discussion and refrain from voting on the matter giving rise to the conflict.

Management
of the
University

18. Except in such matters as are assigned by this Act to the Senate or other body, the government, conduct, management and control of the University and of its property and affairs are vested in the Board, and the Board may do such things as it considers to be for the good of the University and consistent with the public interest.

Powers of
the Board .

19. Without limiting the generality of section 18, the Board may,

- (a) appoint the President and Vice-Chancellor, but before so acting, the Board shall request a recommendation from a committee, to be convened by the chairman of the Board, composed of five members of the Board named by it, and five persons named by the Senate, which committee shall appoint its own chairman and determine its own procedure, and any recommendation of the committee shall be made in writing signed by at least eight members and delivered to the Board within nine months of the date on which the Board names five members to the committee or the date on which the Board requests the Senate to name five persons to the committee, whichever date is later, and, failing a recommendation within that period, the Board may appoint the President;
- (b) on the recommendation of the President, appoint as many Vice-Presidents as the Board and the Senate may consider necessary, the Director of Libraries, the Registrar and the Secretary of the Senate, and determine their functions, duties and powers, and other conditions of employment, but all such appointments made by the Board shall be in accordance with the policies and procedures established and recommended by the Senate;
- (c) on the recommendation of the President, appoint the Deans and Chairmen of the academic units and other members of the academic staff of the University, and determine their functions, duties and powers and other conditions of employment including tenure of office, entitlement of sabbatical leave, promotion and termi-

nation, but the policies and procedures followed shall be established and recommended by the Senate;

- (d) after consultation with the President, appoint the Secretary of the Board and all other employees as the Board may consider necessary, and determine their functions, duties and powers, and other conditions of employment which in the absence of contract shall be at the pleasure of the Board;
- (e) fix and provide for the remuneration, retirement and superannuation of the persons mentioned in clauses (a), (b), (c) and (d);
- (f) expend such sums as may be required to establish funds for the payment of gratuities, retirement allowances, pensions, life insurance or other insurance, including health insurance, for the benefit of the persons mentioned in clauses (a), (b), (c) and (d);
- (g) establish procedures pertaining to the meetings of the Board and its transactions, create committees to exercise any of its powers and delegate authority to such committees or to individuals as necessary, including an executive committee that may act in the name of and on behalf of the Board between regular meetings of the Board;
- (h) appoint by resolution or by-law a member or members of the Board or any other person or persons to execute on behalf of the Board documents and instruments in writing and to affix the corporate seal of the Board thereto;
- (i) fix the fees to be paid for instruction under the control of the University, for all ancillary activities and for examinations, degrees, diplomas and certificates, and of any fee, charge or fine the payment of which is made mandatory by the Board upon a student to register or to remain registered in the University;
- (j) provide such means for health services and health examinations for students as the Board may see fit;
- (k) establish and enforce regulations for the use of its buildings, grounds and ancillary operations, and for the orderly conduct of persons entering upon the lands and premises of the University;

- (l) expend such sums as the Board considers necessary for the support and maintenance of the University and for the betterment of existing buildings and for the furnishing and equipment of existing and newly erected buildings and, having first requested the advice of the Senate, for the erection of such new buildings as the Board considers necessary for the use or purposes of the University;
- (m) subject to the limitations imposed by any trust, invest all such money as shall come to the University in such manner as the Board may see fit;
- (n) borrow from time to time such sums of money as may be required for the use of the University, and give such security against the assets of the University by way of mortgage or otherwise as the Board may determine;
- (o) apply for, purchase and otherwise deal with inventions, trademarks, trade names, copyright or similar rights or interests therein in any manner that the Board considers necessary; and
- (p) pass resolutions and make recommendations to the Senate with respect to any matter connected with the administration of the University and the promotion of its affairs, but this power shall not be interpreted as subtracting from the powers and duties conferred on the Senate by this Act.

Idem

20. On the recommendation of the Senate, the Board may,

- (a) establish or terminate academic units, departments, chairs and programs of instruction in the University or elsewhere, but the Senate shall determine the curricula of all programs of instruction;
- (b) enter into agreements for the founding or establishment of chairs, scholarships, fellowships, prizes, bursaries and other awards;
- (c) provide for the affiliation with the University of any college in Ontario offering courses leading to a degree and established for teaching any branch of learning on such terms as the Board may determine, and enter into any agreement that the Board may consider necessary to effectuate affiliation, and in order to preserve the undenominational nature of the University no more than two colleges of the same denominational control

shall be affiliated with the University at the same time, and no college affiliated with the University shall be affiliated with or have affiliated with it any other college, school or institution of higher learning without specific permission in writing by the Board;

- (d) provide for the dissolution, modification or alteration of the terms of any affiliation; and
- (e) provide for the government and control of residences operated and maintained by the University.

21. Except as otherwise provided in this Act, the Board may act by resolution or by-law authenticated in a manner prescribed by the Board. Authentica-
tion of
by-laws, etc.

22.—(1) The Board shall appoint one or more auditors licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Board at least once a year. Audit of
accounts
R.S.O. 1980,
c. 405

(2) The Board shall make a financial report annually to the Minister of Colleges and Universities in such form and containing such information as the Minister may require. Annual
report

(3) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Tabling

(4) The Board shall make available to the academic staff, administrative staff and students, an annual report including an annual financial report in such form and manner as the Board may determine. Idem

23. Where any question arises as to the powers or duties of the President and Vice-Chancellor, a Vice-President, a member of the Faculty or any senior administrative officer of the University, the Board after consultation with the Senate shall settle and determine the matter in accordance with this Act, and the decision of the Board shall be final. Questions
as to
powers

SENATE

24.—(1) There shall be a Senate of the University composed of, Senate, how
composed

(a) the following *ex officio* members,

(i) the Chancellor,

(ii) the Vice-Chancellor,

- (iii) such Vice-Presidents as the Senate may determine,
 - (iv) the Deans of the academic units given Faculty representation under clause (b),
 - (v) the Director of Libraries,
 - (vi) the Registrar, and
 - (vii) the Secretary of the Senate who shall be a non-voting member;
- (b) members of the Faculty, elected in the following numbers,
- (i) Faculty of Graduate Studies —eight members,
 - (ii) Faculty of Arts —four members,
 - (iii) Faculty of Medicine —four members,
 - (iv) Faculty of Science —four members,
 - (v) Faculty of Social Science —four members,
 - (vi) Faculty of Dentistry —one member,
 - (vii) Faculty of Education —one member,
 - (viii) Faculty of Engineering Science —one member,
 - (ix) Faculty of Law —one member,
 - (x) Faculty of Music —one member,
 - (xi) Faculty of Nursing —one member,
 - (xii) Faculty of Physical Education —one member,
 - (xiii) School of Business Administration —one member,
 - (xiv) School of Library and Information Science —one member,
 - (xv) Faculty of Part-Time and Continuing Education —one member,

- (xvi) School of Journalism —one member,
 - (xvii) Subject to approval by two-thirds of the members of Senate, any other academic unit that may be established hereafter —one member;
 - (c) two members of the Board appointed by the Board from among its members appointed or elected under clauses 9 (1) (b), (c), (d) and (h);
 - (d) two members from each affiliated college, one of whom shall be the academic head of that college and the other a person elected as provided in section 25, who shall have voice in all matters but shall not vote on resolutions, recommendations or requests submitted to the Board where such matters do not directly involve the affiliated colleges as shall be determined by the Senate;
 - (e) fifteen students of whom,
 - (i) twelve shall be undergraduate students of the University and its affiliated colleges and be elected by such undergraduate students, and
 - (ii) three shall be graduate students elected by the graduate students;
 - (f) two members of the full-time administrative staff elected thereby; and
 - (g) five persons from the general community, one of whom shall be active in or associated with the field of secondary school education, consisting of,
 - (i) the President of the Alumni Association of the University or a person designated by such President, and two members of the Association appointed by the Association, and
 - (ii) two persons appointed by the Senate.
- (2) Upon an application by the Senate approved by at least two-thirds of the members of Senate, the Lieutenant Governor in Council may make regulations varying the number of members set out in clauses (1) (b), (d), (e) and (f). Regulation to vary number of members
- (3) The Vice-Chancellor shall be the chairman of the Senate, Officers and a vice-chairman shall be elected from among its members in such manner as the Senate may establish.

Alternates

(4) Where the Senate grants leave of absence to any member, the Senate may provide, in such manner as it determines, for an alternate member who shall have all the powers of a member of the Senate.

Election of members

25.—(1) The election of a member of the Senate under clause 24 (1) (b) or (d) shall be by secret ballot of the members of the academic unit or affiliated college to be represented who hold the rank of assistant professor or higher, but in all other respects such an election shall be in accordance with the manner and procedures established and determined by the Senate.

Idem

(2) To be eligible for election to the Senate under clause 24 (1) (b) or (d), a person must be a member of the academic unit or constituent parts thereof as designated by the Senate or affiliated college to be represented, must hold the rank of assistant professor or higher, and must have held an academic appointment in the University or affiliated college for at least two academic years.

Idem

(3) The election of a member of the Senate under clause 24 (1) (e) shall be by secret ballot and for a term of one membership year, but in all other respects such an election shall be in accordance with the manner and procedures established and determined by the Senate.

Idem

(4) The election of a member of the Senate under clause 24 (1) (f) shall be by secret ballot, but in all other respects such an election shall be in accordance with the manner and procedures established and determined by the Senate.

Disputes

(5) The Senate shall rule on any dispute which may arise as to eligibility to vote or to hold office under subsections (1), (2), (3) and (4) and its decision shall be final.

Term of office

(6) A member of the Senate, other than an *ex officio* member or a member elected under clause 24 (1) (e), shall hold office for a term of two membership years and is not eligible to be appointed or elected for more than two consecutive terms, excluding therefrom the balance of an unexpired term for a person appointed or elected under section 27 or a term reduced under subsection (8), but is eligible for reappointment or re-election after a lapse of two years after the expiration of the second of two consecutive terms.

Idem

(7) A member of the Senate elected under clause 24 (1) (e) is not eligible to be elected for more than four consecutive terms, excluding therefrom the balance of an unexpired term for a person elected under section 27 or a term reduced under subsection (8), but is eligible for re-election after a lapse of two years after the expiration of the fourth of four consecutive terms.

- (8) The Senate shall provide for staggered terms of office. Staggered terms

26.—(1) The membership of a member of Senate is vacated when an appointed or elected member resigns or ceases to be eligible for appointment or election, except that graduation during the term of office of a student member shall not prevent the completion of such term. Vacating office

(2) Where an appointed or elected member of Senate becomes incapable of acting as a member, the Senate shall by resolution declare such membership vacant. Resolution

(3) Where within any membership year a member of the Senate, other than an *ex officio* member, not having been granted leave of absence by the Senate attends less than 50 per cent of the regular meetings of the Senate, the Senate may by resolution declare such membership vacant. Meetings

(4) Where within any membership year a member of the Senate, other than an *ex officio* member, not having been granted leave of absence by the Senate attends less than 25 per cent of the regular meetings of the Senate, the Senate shall by resolution declare such membership vacant. Idem

(5) A resolution passed under this section entered into the minutes of the Senate shall be conclusive evidence of the vacancy declared therein. Proof

27. Where a vacancy on the Senate occurs before the term of office for which a person has been appointed or elected has expired, Filling vacancies

(a) if the vacancy is that of an appointed member, the vacancy may be filled by the same authority which appointed the person whose membership is vacant; and

(b) if the vacancy is that of an elected member, the Senate in its sole discretion shall determine if the vacancy is to be filled and, if so, the manner and procedure for doing so,

and a person appointed or elected hereunder shall hold office for the remainder of the term of office of the person whose membership is vacant.

28.—(1) The Senate shall meet at least four times in each academic year and at such other times as the Senate from time to time may prescribe. Meetings of the Senate

(2) A special meeting of the Senate shall be called on the written notice of any seven members thereof and shall be convened Special meetings

within fifteen days thereafter, to consider the matter or matters set out in the notice.

Duties of
Senate

29. The Senate is responsible for the academic policy of the University and, without limiting the generality of the foregoing, the Senate shall,

- (a) create, modify and dissolve faculty councils or committees and committees generally to exercise any of its powers, and approve their form and method of operation;
- (b) determine all courses of study, including standards for admission into the University and qualifications for degrees;
- (c) conduct examinations, appoint examiners, and decide finally all matters relating thereto;
- (d) consider all matters arising in connection with the acceptance by the University of fellowships, scholarships, medals, prizes and other awards and establish conditions for the awarding of them;
- (e) provide for the convening and conduct of convocations;
- (f) confer honorary degrees in divinity without fee upon the recommendation of any affiliated college having a faculty of theology;
- (g) establish and recommend to the Board policies and procedures to be followed in the selection, appointment, promotion and termination of appointment of the members of the Faculty, and the conditions under which tenure and sabbatical leave are granted;
- (h) in collaboration with the Board create a committee to make recommendations respecting the appointment of the President and Vice-Chancellor as provided in clause 19 (a) and shall be consulted before the termination of any appointment so made;
- (i) establish and determine procedures for election to the Senate including the right to designate voting constituencies within an academic unit; and
- (j) make recommendations and give advice to the Board on the matters mentioned in clauses 19 (b) and (c) and in section 20.

30. The Senate may,Powers of
Senate

- (a) confer degrees and award diplomas and certificates in any branch of learning, taught in the University or in any affiliated college, including theology;
- (b) confer honorary degrees in any branch of learning;
- (c) provide by-laws and regulations for the conduct of its proceedings including the determination of a quorum necessary for the transaction of business;
- (d) establish such committees as the Senate considers necessary, including an executive committee that may act in the name and on behalf of the Senate between regular meetings of the Senate;
- (e) inquire into and publish reports upon any matter that affects the academic reputation or effectiveness of the University; and
- (f) pass resolutions and make recommendations to the Board with respect to any matter connected with the administration of the University and the promotion of its affairs, but this clause shall not be construed to subtract from the powers and duties conferred on the Board elsewhere in this Act.

MEETINGS AND BY-LAWS

31.—(1) Subject to subsection (2), the meetings of the Board and of the Senate shall be open to the public and prior notice of such meetings shall be given to the members and to the public in such manner as the Board and the Senate by by-law shall respectively determine, and no person shall be excluded therefrom except for improper conduct but, where confidential matters of the University are being considered, that part of the meeting may be held *in camera*.

Meetings of
Board and
Senate open
to public

(2) Where matters of a personal nature concerning an individual may be disclosed at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless such individual requests that such part of the meeting be open to the public.

Exception

(3) The by-laws of the Board and of the Senate shall be open to examination by members of the University community and by the public during normal business hours.

Examination
of by-laws

Publication
of by-laws

(4) The Board and the Senate shall publish their by-laws from time to time in such manner as they may respectively consider proper.

CHANCELLOR

Chancellor,
election of

32.—(1) There shall be a Chancellor of the University who shall be elected by an electoral board consisting of,

(a) six members, except *ex officio* members, of the Board, including the chairman of the Board; and

(b) six members of the Senate, including the Vice-Chancellor.

Quorum

(2) Eight members of the electoral board, including the chairman of the Board and the Vice-Chancellor, constitute a quorum.

Who
ineligible

(3) No person shall occupy the office of Chancellor who is a member of the academic or administrative staff of the University or an employee of any affiliated college, or who at the time of election is a member of the governing body of any post-secondary educational institution.

Term of office

33. The term of office of the Chancellor shall be for four years commencing with the 1st day of July of the year of election and continuing on until a successor is elected, but in any event not longer than six months after the expiration of the term of office, and no Chancellor shall be eligible for re-election.

Vacancy
in office

34. Where a vacancy in the office of Chancellor occurs, the vacancy shall be filled by the election of a successor in the manner set out in section 32, and such successor shall hold office for four years terminating on the 30th day of June in the fourth year after election, and no successor shall be eligible for re-election.

Where
Chancellor
becomes
ineligible

35. Where the Chancellor ceases to be eligible for such office, or becomes incapable of acting, or the office becomes otherwise vacant, a declaration of the existence of a vacancy in the office of Chancellor by the Senate and the Board entered in the minutes of the Senate and of the Board is conclusive evidence of the vacancy.

Duties

36. The Chancellor shall preside at all convocations and by virtue of the authority vested in the Chancellor by the Senate shall admit to degrees, diplomas and certificates such candidates, including the recipients of honorary degrees, as may be requested by the Senate.

VICE-CHANCELLOR

37.—(1) There shall be a Vice-Chancellor of the University who shall be the President of the University. Vice-Chancellor

(2) The Vice-Chancellor and President shall be the chief executive officer of the University and shall call a meeting of and report to the Faculty not less than once in each academic year. Duties

(3) In the absence of the Chancellor or there being a vacancy in the office, the Vice-Chancellor shall act as Chancellor at Convocation or shall appoint a member of the Faculty to act in that capacity. Vice-Chancellor to act in absence of Chancellor

(4) In the absence of both Chancellor and Vice-Chancellor or if both offices are vacant, the Chancellor's duties shall be performed by a member of the Faculty appointed by the Senate for the purpose. Idem

OFFICIAL VISITOR

38. The Lieutenant Governor of the Province of Ontario is the Official Visitor of the University. Official Visitor

GENERAL

39. The Board and the Senate shall review this Act within fifteen years from the date of its enactment. Review

40. The members of the Board and the Senate holding office immediately before this Act comes into force shall continue to hold office and constitute the Board and the Senate under this Act until the members of the Board and Senate are elected or appointed in accordance with this Act. Former members continue until new Board and Senate constituted

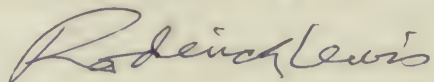
41. *The University of Western Ontario Act, 1974*, being chapter 163, is repealed. Repeal

42. This Act comes into force on the day it receives Royal Assent. Commencement

43. The short title of this Act is the *University of Western Ontario Act, 1982*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 15, 1982



CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
The University of Western Ontario

1st Reading

May 18th, 1982

2nd Reading

June 15th, 1982

3rd Reading

June 15th, 1982

MR. VAN HORNE

John B. Lennan

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act to revive
John F. McLennan (Bloor) Limited**

MR. KENNEDY

BILL Pr15

1982

**An Act to revive
John F. McLennan (Bloor) Limited**

WHEREAS John F. McLennan, John K. McLennan and Nelson D. McLennan hereby represent that John F. McLennan (Bloor) Limited, herein called the Corporation, was incorporated by letters patent dated the 23rd day of November, 1964; that the Minister of Consumer and Commercial Relations, by order dated the 13th day of June, 1973, and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 18th day of July, 1973; that the applicants were all the directors of the Corporation at the time of the said dissolution; that default in filing annual returns occurred by reason of an inadvertence; that the Corporation at the time of its dissolution owned certain real property; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. John F. McLennan (Bloor) Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Revival

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *John F. McLennan (Bloor) Limited Act, 1982*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 23 1982

Rodney Lewis

An Act to revive John F. McLennan
(Bloor) Limited

1st Reading

April 1st, 1982

2nd Reading

April 23rd, 1982

3rd Reading

April 23rd, 1982

MR. KENNEDY

BILL Pr16

1982

An Act respecting the City of Brantford

WHEREAS The Corporation of the City of Brantford, herein Preamble
 called the Corporation, hereby represents that by By-law
 Number 674 of The Corporation of the City of Brantford,
 enacted pursuant to *The Public Parks Act*, being chapter 233 of
 the Revised Statutes of Ontario, 1897, now chapter 417 of the
 Revised Statutes of Ontario, 1980, and finally passed with the
 assent of the electors on the 14th day of January, 1901, the Board
 of Park Management of the City of Brantford, herein called the
 Board, was established; that the council of the Corporation con-
 siders it to be in the best interest of the citizens of the City of
 Brantford that the functions of the said Board be placed under
 the control of the council of the Corporation as a department of
 the Corporation and that all assets and liabilities of the said
 Board become assets and liabilities of the Corporation and that
 an advisory board on parks and recreation matters be estab-
 lished; and whereas the Corporation hereby applies for special
 legislation for such purpose; and whereas it is expedient to grant
 the application;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts as
 follows:

1. The Board of Park Management of the City of Brantford is
 dissolved and all of the powers, rights, duties and privileges
 conferred and imposed upon the Board and all of its undertak-
 ings, assets and liabilities shall be assumed by the Corporation
 without compensation. Board of
Park
Management
dissolved,
functions, etc.,
transferred
to the
Corporation

2. All by-laws of the Board shall continue as by-laws of the
 Corporation until amended or repealed. By-laws
continued

3. Upon the dissolution of the Board, the employees thereof
 shall become employees of the Corporation and all terms and
 conditions of employment respecting such employees, including,
 without limiting the generality of the foregoing, seniority,
 remuneration and other benefits in force, shall be assumed by the
 Corporation. Employees
of Board
become
employees
of the
Corporation

Council
deemed Board
of Park
Management
R.S.O. 1980,
c. 417

Parks and
recreation
advisory
board

4. The council of the Corporation shall be deemed to be a board of park management for the purposes of the *Public Parks Act*.

5. The council of the Corporation shall, by by-law,

(a) appoint a parks and recreation advisory board composed of such number of resident ratepayers, being not less than three and not more than nine in number, as the by-law provides, to advise the council on the establishment of policies covering the operation of parks and recreation activities in the City; and

(b) establish terms of reference and operating procedures for the advisory board.

By-law
repealed

6. By-law Number 674 of The Corporation of the City of Brantford is repealed.

Commence-
ment

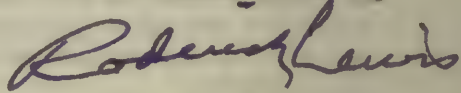
7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is the *City of Brantford Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

APRIL 23, 1982



CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the City of Brantford

1st Reading

April 1st, 1982

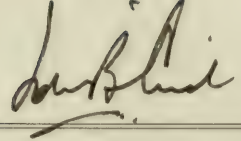
2nd Reading

April 23rd, 1982

3rd Reading

April 23rd, 1982

MR. GILLIES

A handwritten signature in dark ink, appearing to be 'L. B. H.', is written in the top right corner of the page.

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act respecting the Japanese Canadian Cultural
Centre of Toronto**

MR. COUSENS

BILL Pr18

1982

An Act respecting the Japanese Canadian Cultural Centre of Toronto

WHEREAS the Japanese Canadian Cultural Centre of Toronto, herein called the Corporation, hereby represents that it was incorporated as the Japanese Canadian Centre of Toronto by letters patent dated the 15th day of October, 1958; that by supplementary letters patent dated the 11th day of October, 1963, the name of the Corporation was changed to the Japanese Canadian Cultural Centre of Toronto; that the Corporation is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the Corporation acquired a freehold interest in land located on Wynford Drive in the City of North York on the 12th day of April, 1961; that the Corporation has used and intends to continue to use the said land for the purposes of a cultural and recreational centre; and whereas the Corporation hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it in the City of North York, from municipal taxation, except for local improvement rates; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. So long as the lands described in the Schedule hereto are owned by the Corporation and are actually used and occupied for the purposes of the Corporation, they shall be exempt from taxes for municipal and school purposes.

Tax
exemption

2. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed
exemption
R.S.O. 1980,
cc. 314, 31

3. This Act shall be deemed to have come into force on the 1st day of January, 1982.

Commence-
ment

Short title

4. The short title of this Act is the *Japanese Canadian Cultural Centre of Toronto Act, 1982*.

SCHEDULE

That parcel of land and premises situate in the City of North York, in the Municipality of Metropolitan Toronto, being composed of those parts of Lot 2 in Concession 3 East of Yonge Street of the geographic Township of York and designated as:

1. Parts 1, 2 and 3 on Reference Plan R-590 deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66); and
2. Parts 1, 2 and 3 on a Reference Plan R-642 deposited in the said Land Registry Office;

being the land registered as Parcel 2-4 in the Register for Section Y-15.

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 15 1982

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the Japanese
Canadian Cultural Centre of Toronto

1st Reading

March 15th, 1982

2nd Reading

June 15th, 1982

3rd Reading

June 15th, 1982

MR. COUSENS

de Blasio

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act to revive
The Calabogie Asbestos Mining Company Limited**

MR. YAKABUSKI

BILL Pr19

1982

**An Act to revive
The Calabogie Asbestos Mining
Company Limited**

WHEREAS Allan A. McNab and James A. MacKillican, as Preamble
Executors of the Estate of the late Thomas Foster Barnet,
and the said Allan A. McNab, in his personal capacity, hereby
represent that The Calabogie Asbestos Mining Company Lim-
ited, herein called the Corporation, was incorporated by letters
patent dated the 25th day of November, 1947; that the Minister
of Consumer and Commercial Relations, by order dated the 16th
day of March, 1976 and made under the authority of subsection
251 (3) of *The Business Corporations Act*, being chapter 53 of the
Revised Statutes of Ontario, 1970, cancelled the certificate of
incorporation of the Corporation for failure to comply with sec-
tion 134 of *The Securities Act*, being chapter 426 of the Revised
Statutes of Ontario, 1970, and declared the Corporation to
be dissolved on the 16th day of March, 1976; that the applicants
are the Executors of the Estate of the late Thomas Foster Barnet,
the president and principal holder of the common shares of the
Corporation at the time of its dissolution and the said Allan A.
McNab was a director of the Corporation at that time; that
notice of default in complying with the said provision of *The
Securities Act*, was sent to the said Thomas Foster Barnet, as a
director, but through inadvertence the return required under
that Act, was not filed nor was an application for revival of the
Corporation made within the time provided by statute; that the
Corporation at the time of its dissolution was carrying on the
business of a holding company and property continues to be held
in the name of the Corporation; and whereas the applicants
hereby apply for special legislation reviving the Corporation; and
whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

1. The Calabogie Asbestos Mining Company Limited is Revival
hereby revived and is, subject to any right acquired by any per-

son after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Calabogie Asbestos Mining Company Limited Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

July 7 1982

Rodney Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to revive
The Calabogie Asbestos Mining Company
Limited

1st Reading

May 18th, 1982

2nd Reading

July 6th, 1982

3rd Reading

July 6th, 1982

MR. YAKABUSKI

BILL Pr21

LaBelle

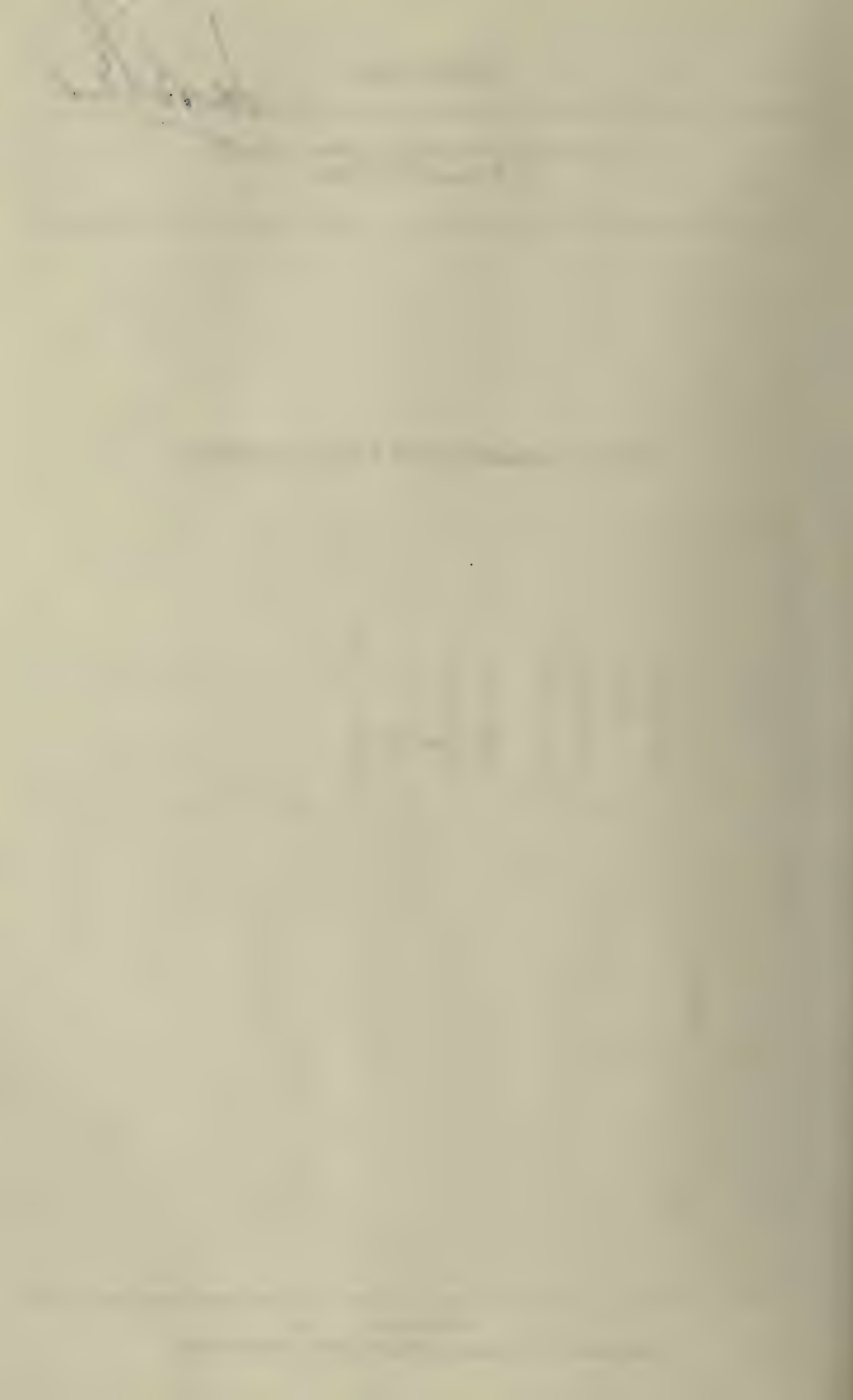
2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of London

MR. VAN HORNE

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO



An Act respecting the City of London

WHEREAS The Corporation of the City of London hereby Preamble
 applies for special legislation in respect of the matters
 hereinafter set forth; and whereas it is expedient to grant the
 application;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts as
 follows:

1. In this Act,

Interpretation

(a) "Corporation" means The Corporation of the City of
 London;

(b) "council" means the council of the Corporation.

2.—(1) It is hereby confirmed and ratified that the Corpora- Park Farm,
validation of
undertaking
 tion has and always had the authority to accept the property
 known as Park Farm devised to the Corporation under para-
 graph 4, as set out in the Schedule hereto, of the will of the late
 Harrison Gordon Fraser, Q.C. and it is hereby declared that the
 Corporation has and shall be deemed always to have had the
 power to undertake to maintain the said Park Farm in perpetuity
 as a public park.

(2) Nothing in subsection (1) affects the rights and powers Idem
 given to the Corporation with respect to the said Park Farm
 under the said will of the late Harrison Gordon Fraser, Q.C.

3.—(1) In this section, "the covenants of the Corporation" Centennial
Square and
St. Joseph's
Hospital
Parking
Buildings
 means the covenants of the Corporation to and with Covent
 Garden Building Incorporated in any agreement, lease or other
 instrument respecting the Centennial Square Underground
 Parking Garage and the St. Joseph's Hospital Parking Building
 that such facilities shall not, during the currency of their respec-
 tive leases, be subject to municipal taxes, business taxes or spe-

cial assessments or charges of any nature or kind whatsoever, but not including business taxes of tenants of Covent Garden Building Incorporated.

Corporation deemed not to incur debt payment of which is not provided for in estimates

(2) The Corporation shall be deemed not to be incurring or to have incurred a debt, the payment of which is or was not provided for in the estimates of the current year, with respect to any obligation expressed or implied in the covenants of the Corporation to pay all or part of any municipal taxes, business taxes or special assessments or charges to which the Centennial Square Underground Parking Garage and the St. Joseph's Hospital Parking Building are or were subject during the currency of their respective leases.

1978, c. 128, s. 7 (2), amended

4.—(1) Subsection 7 (2) of *The City of London Act, 1978*, being chapter 128, is amended by striking out “shall” in the first line and inserting in lieu thereof “may”.

s. 7, amended

(2) Section 7 of the said Act is amended by adding thereto the following subsections:

Planning Committee deemed council committee

(5) Every planning committee appointed under subsection 7 (2) shall be deemed to be and, since the 1st day of January, 1979, to have been a committee of the council.

Committee in lieu of planning committee
R.S.O. 1980, cc. 302, 379

(6) The council may, by by-law, dissolve a planning committee appointed under subsection 7 (2) and in lieu thereof may appoint a committee composed of such persons and for such purposes as is authorized by the *Municipal Act* or the *Planning Act*.

Drain connections

5. In a by-law passed under paragraph 79 of section 210 of the *Municipal Act* for constructing service drains from a sewer to the line of the highway, the council may,

- (a) provide for reconstructing or repairing such drains;
- (b) prescribe that the cost of such construction, reconstruction or repair shall be due and payable by periodic instalments in each year for such term, not exceeding ten years, as provided by the by-law;
- (c) prescribe that interest not exceeding the rate imposed from time to time on overdue payments of taxes shall be added to the amount of the cost unpaid in each month or fraction thereof from a day not earlier than ninety days after the completion of such construction, reconstruction or repair, as provided by the by-law, until the cost is fully paid;
- (d) provide that the amount of the cost due and unpaid and any accrued interest thereon due and unpaid shall be

added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected or recovered in like manner as real property taxes; and

- (e) prescribe the terms and conditions upon which persons whose premises are assessed the cost of such construction, reconstruction or repair may commute such cost for a payment in cash.

6. This Act comes into force on the day it receives Royal Assent. Commence-
ment

7. The short title of this Act is the *City of London Act, 1982*. Short title

ASSENTED TO BY ~~THE~~ ~~GOVERNOR~~ NOV. 18 1982

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE

Extract from the Will of the late
Harrison Gordon Fraser, Q.C.

4. IN THE HOPE others will to some extent enjoy my farm "Park Farm" in the City of London, as my family and I have, and conditional on the Corporation of the City of London accepting such devise and undertaking to maintain it in perpetuity as a public park with free access thereto to the public at appropriate times, i.e. hours, and such undertaking being validated by the Legislature of the Province of Ontario within three years of the service personally, and by registered mail postage prepaid of a notarial copy of the probate of this my Will, addressed to such parties at 300 Dufferin Avenue, London, Ontario, upon the mayor for the time being and the City Clerk of the Corporation of the City of London.

- (i) This undertaking shall not prevent dedicating roads or easements for utilities as such City deems advisable, or, should the unopened Base Line Road be opened and the City deem it advisable so to do, the sale of that part of lot number fourteen, First Concession lying north of the Commissioners Road, provided the sale price thereof, shall be applied for the purpose of such park, or additions thereto, and devise to the Corporation of the City of London as a public park in perpetuity with free access at reasonable hours, Thereto by the public as a public park, my farm in the City of London, formerly in the Township of Westminster known as "Park Farm", being all of Broken Front lot fourteen, part of Broken Lot fifteen and that part of lot number fourteen in the First Concession of such Township north of the Commissioners Road, now in the City of London, containing approximately one hundred and fifteen acres, all subject to the right of Frank Kemp, if tenant thereof, at my death (except of my personal house), at my death, to continue to occupy the same as tenant thereof at the rent applicable at my death, until such acceptance and legislative confirmation provided if such three year period expires, without such acceptance by the Corporation of the City of London of such devise, upon such conditions, and such acceptance being so validated, such Park Farm shall form part of the residue of my estate, and be sold and the proceeds of such sale shall form part of the residue of my estate. Should such acceptance of such devise upon such conditions, and the same be so validated before the expiration of three years from my death, the said Frank Kemp shall be entitled to continue to so occupy as such tenant, at such rent, such rented portion of Park Farm until the expiration of one year's notice dating from April first. Pending the acceptance by the Corporation of the City of London, upon such conditions, and such acceptance being validated as aforesaid, my executor may rent my house used by me as my summer residence. All carrying charges of such farm, less rents received, during the period before such acceptance and validation, shall be charged to, or accrue to the Corporation of the City of London when such acceptance and validation occurs, or failing such acceptance and validation, to my residuary estate.
- (ii) In making such devise, I declare I am having regard to the long established wishes of my family, as well as my personal wishes, and the verbal undertaking not to sell such farm without first giving the Corporation of the City of London an opportunity to purchase, given by me to a representative of such City, he having explained that for years the acquisition of such farm as a park had been a first priority of the City of London.

An Act respecting the
City of London

1st Reading

June 25th, 1982

2nd Reading

November 16th, 1982

3rd Reading

November 16th, 1982

MR. VAN HORNE

Sub Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Hamilton

MR. CHARLTON

BILL Pr22

1982

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton hereby Preamble
represents that a writ of summons was issued against certain councillors by James Wilson for libel in respect of defamatory statements alleged to have been made in April of 1976; that it is considered desirable that the Corporation assume and pay all costs and legal expenses as may be incurred from time to time and the full amount of any judgment as may be awarded as a result of the writ of summons issued or as may be issued and in respect of any other legal matter arising out of the claim; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Inter-
pretation

- (a) "claim" means a claim mentioned in a writ and any other legal matter arising out of the writ;
- (b) "Corporation" means The Corporation of the City of Hamilton;
- (c) "councillor" means any person who is or was a member of the council of the Corporation;
- (d) "defendants" means councillors James A. Bethune, James E. Campbell, Dennis Carson and any other councillor who is named in a writ as a defendant;
- (e) "writ" means a writ of summons issued or as may be issued in the Supreme Court of Ontario by or on behalf of James E. Wilson.

2. The council of the Corporation is hereby authorized to assume and pay all costs and legal expenses as may be incurred

Payment of
judgment and
legal expenses
authorized

from time to time and the full amount of any judgment as may be awarded as a result of a writ for a claim against the defendants or one or more of them.

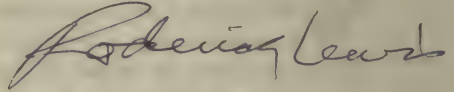
Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *City of Hamilton Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 15, 1982



CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the City of Hamilton

1st Reading

May 4th, 1982

2nd Reading

June 15th, 1982

3rd Reading

June 15th, 1982

MR. CHARLTON

Id. Bl. 1

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to revive Peer and Smith Limited

MR. BRANDT

BILL Pr23

1982

An Act to revive Peer and Smith Limited

WHEREAS Harold Peer hereby represents that Peer and Preamble
Smith Limited, herein called the Corporation, was incorporated by letters patent dated the 10th day of September, 1969; that the Minister of Consumer and Commercial Relations by order dated the 16th day of July, 1975, and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 20th day of August, 1975; that the applicant was a director in good standing of the Corporation at the time of its dissolution; that through inadvertence the application to revive the Corporation was not forwarded prior to the 20th day of August, 1977; that at the time of dissolution the Corporation owned assets and real property which it still intends to retain; and whereas the applicant hereby applies for special legislation reviving the Corporation and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Peer and Smith Limited is hereby revived and is, subject to Corporation revived
any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner as if it had not been dissolved.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. The short title of this Act is the *Peer and Smith Limited* Short title
Act, 1982.

ASSENTED TO BY LIEUTENANT-GOVERNOR

July 7, 1982

Roderick Lewis
CLERK

An Act to revive Peer and Smith Limited

1st Reading

June 7th, 1982

2nd Reading

July 6th, 1982

3rd Reading

July 6th, 1982

MR. BRANDT

John Blund

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Ottawa

MR. ROY

BILL Pr24

1982

An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 (1) of the *City of Ottawa Act, 1960*, being chapter 161, as re-enacted by the Statutes of Ontario, 1965, chapter 163, section 1, is repealed and the following substituted therefor: 1960, c. 161,
s. 3 (1),
re-enacted

(1) Notwithstanding the *Municipal Act*, the council of the Corporation may, on a petition of or with the consent of a majority of the owners representing at least one-half of the value of the lots to be assessed and subject to the approval of the Ontario Municipal Board and the Minister of Transportation and Communications, pass by-laws for establishing all or any part of any highway under the jurisdiction of the Corporation or The Regional Municipality of Ottawa-Carleton solely or principally as a pedestrian promenade and for prohibiting the use thereof by vehicles or any class thereof, and for permitting the obstruction of the promenade in such manner and to such extent as the council of the Corporation may deem desirable. Pedestrian
promenades
R.S.O. 1980,
c. 302

(1a) A by-law passed under subsection (1) with respect to a highway under the jurisdiction of The Regional Municipality of Ottawa-Carleton shall not come into effect until it is approved by the Regional Council by by-law and the Regional Council may, as a condition of its approval, impose such terms and conditions as it considers appropriate. Idem

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is the *City of Ottawa Act, 1982*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 15 1982

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the City of Ottawa

1st Reading

May 11th, 1982

2nd Reading

June 15th, 1982

3rd Reading

June 15th, 1982

Mr. Roy

John B. Laid

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting Co-operators Insurance Association

MR. LANE

BILL Pr26

1982

An Act respecting Co-operators Insurance Association

WHEREAS Co-operators Insurance Association, herein Preamble
~~called the~~ Company, hereby represents that it was incorporated under the laws of the Province of Ontario by letters patent dated the 1st day of November, 1950; that the said letters patent were amended by supplementary letters patent dated the 25th day of May, 1959, the 16th day of June, 1960, the 13th day of June, 1966, the 22nd day of April, 1970, and the 20th day of June, 1978; that the Company desires to be continued under the jurisdiction of the Parliament of Canada; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to authorization by special resolution under the *Corporations Act*, the Company may apply to the Minister of Consumer and Corporate Affairs of Canada for letters patent continuing the Company as if it had been incorporated under an Act of the Parliament of Canada and providing *inter alia* that all rights and interests of the shareholders, policyholders and creditors of the Company in, to or against the property, rights and assets of the Company and all liens upon the property, rights and assets of the Company are unimpaired by such continuation.

Application to
Minister of
Consumer and
Corporate
Affairs
authorized
R.S.O. 1980,
c. 95

2. Upon the issue of the letters patent referred to in section 1, the Company shall file with the Minister of Consumer and Commercial Relations a notice of the issue of such letters patent together with a copy of such letters patent certified by the Department of Consumer and Corporate Affairs and, on and after the date of the filing of such notice, the *Corporations Act* shall cease to apply to the Company.

Application of
R.S.O. 1980,
c. 95

3. The Minister of Consumer and Commercial Relations may, on receipt by him of the notice and certified copy of the

Minister's
certificate

letters patent referred to in section 2, issue a certificate to the Company confirming the date of such filing.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Co-operators Insurance Association Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

July 7 1982

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
Co-operators Insurance Association

1st Reading

June 4th, 1982

2nd Reading

July 6th, 1982

3rd Reading

July 6th, 1982

MR. LANE

Bill Pr27

An Act respecting the City of Ottawa

Mr. Roy

<i>1st Reading</i>	December 7th, 1982
<i>2nd Reading</i>	January 25th, 1983
<i>3rd Reading</i>	January 25th, 1983
<i>Royal Assent</i>	January 27th, 1983

Bill Pr27

1982

An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 (5) of *The Ottawa Charitable Foundation Act, 1925*, being chapter 131, is repealed and the following substituted therefor:

1925, c. 131,
s. 2 (5),
re-enacted

(5) No person shall be appointed a trustee who is not at the time of his appointment a resident of the City of Ottawa.

Qualification
as trustee

(2) Section 12 of the said Act is amended by striking out "January" in the third line and inserting in lieu thereof "March".

s. 12,
amended

2. Notwithstanding subsection 43 (11) of the *Planning Act*, the by-law passed under section 43 of the *Planning Act* shall provide for the establishment of a property standards committee composed of such persons, not fewer than three, as the council of the Corporation considers advisable and who shall hold office for such term and on such conditions as may be prescribed in the by-law, and the council of the Corporation, when a vacancy occurs in the membership of the committee, shall forthwith fill the vacancy.

Property
standards
committee
R.S.O. 1980,
c. 379

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. The short title of this Act is the *City of Ottawa Act, 1983*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

Jan 27 1983

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

BILL Pr28

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

LeBlond

An Act respecting the City of Chatham

MR. WATSON

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL Pr28

1982

An Act respecting the City of Chatham

WHEREAS The Corporation of the City of Chatham hereby Preamble
 represents that it has assembled in fee simple by purchase and expropriation a site of some 3.8 hectares of land for the purpose of a redevelopment project under the Ontario Downtown Revitalization Programme; that as part of the land assembly the Corporation expropriated five former private lanes; that the owners or persons with an interest in the lanes are unknown, unrepresented or deceased except as are specified herein; that it has been ascertained that the estate in fee simple to the whole of the five former private lanes as hereinafter described has not been conveyed since prior to 1900; that the lanes have been used for free and uninterrupted access by adjacent owners for at least the last thirty years and have also been used during that time for the passage of the public at large; that the Corporation is now the owner in fee simple of all adjacent lands; and whereas the Corporation further represents that there exists a right of way interest in others on lands described in instruments referred to in subsection 2 (2); that the said lands upon which the right of way interest exists have been used as a municipal parking lot from the date of conveyance to the Corporation, being the 6th day of July, 1959, to the date of their incorporation into the redevelopment project on or about the 18th day of June, 1980; that no person has used the said right of way since 1959; that the Corporation has had exclusive possession and has entirely enclosed the land since 1959; that, for the purpose of implementing the Ontario Downtown Revitalization Programme, it is desirable to assure to the Corporation that its estate in all of the aforementioned lands is subject to no interest or claim whatsoever; and whereas the Corporation further represents that it is desirable to repeal existing special legislation providing a mechanism for the alternate election to the office of mayor and alderman, thereby making applicable the provisions of the *Municipal Act*; and whereas the applicant hereby applies R.S.O. 1980,
c. 302
 for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation

1. In this Act,

- (a) "Corporation" means The Corporation of the City of Chatham;
- (b) "Land Registry Office" means the Land Registry Office for the Registry Division of Kent (No. 24).

Lands
vested in
Corporation

2.—(1) The lands shown as,

- (a) Part I on each of the plans of expropriation registered in the Land Registry Office on the 16th day of December, 1980 and numbered 367441, 367449, 367450 and 367451; and
- (b) Part I on the plan of expropriation registered in the Land Registry Office on the 10th day of June, 1981 and numbered 372312,

are hereby deemed to have vested in fee simple in the Corporation on the 16th day of December, 1980 in the case of the lands described in clause (a), and on the 10th day of June, 1981, in the case of the lands described in clause (b), free from all rights, trusts, interests, limitations, restrictions and covenants whatsoever.

Right
of way
extinguished

- (2) The right of way referred to in the instruments registered in the Land Registry Office as numbers 105390, 100015, 64837 and 53663 and in Deposit 8251 is hereby extinguished.

Claims for
compensation
extinguished
R.S.O. 1980,
c. 148

- (3) Every claim for compensation, whether pursuant to the *Expropriations Act* or otherwise, with respect to,

- (a) the lands referred to in subsection (1), shall be deemed to have been extinguished on the day the lands vested in the Corporation save and except any claim to compensation under the *Expropriations Act* that existed on the day of expropriation arising by virtue of an interest under instruments registered in the Land Registry Office as numbers 311305 and 332061;
- (b) the right of way referred to in subsection (2) is extinguished on the day this Act comes into force.

1921, c. 97,
s. 4,
repealed

- 3. Section 4 of *The City of Chatham Act, 1921*, being chapter 97, is repealed.**

Commence-
ment

- 4. This Act comes into force on the day it receives Royal Assent.**

Short title

- 5. The short title of this Act is the *City of Chatham Act, 1982*.**

PRESENTED TO BY LIEUTENANT-GOVERNOR

DEC. 15 1982

Richard Leach

An Act respecting the City of Chatham

1st Reading

October 12th, 1982

2nd Reading

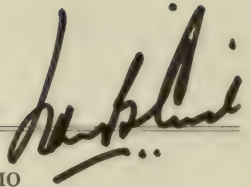
December 7th, 1982

3rd Reading

December 7th, 1982

MR. WATSON

BILL Pr29

A handwritten signature in dark ink, appearing to be 'L. B. ...', is written over the top right of the page, partially overlapping the header area.

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Hamilton

MR. CHARLTON

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Handwritten signature

1871

RECEIVED OF THE

Handwritten signature

BILL Pr29

1982

An Act respecting the City of Hamilton

WHEREAS the council of The Corporation of the City of Hamilton hereby represents that it is desirable to provide for more accountability by The Hamilton Performing Arts Corporation, Inc., and The Hamilton Place Convention Centre, Inc., to the council, relating to their operation and management in the public interest; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE HAMILTON PERFORMING ARTS CORPORATION, INC.

1. Subsection 6 (2) of *The City of Hamilton Act, 1972*, being chapter 178, is amended by striking out "the Board of Control and" in the second line. 1972, c. 178,
s. 6 (2),
amended

2.—(1) Subsections 14 (1) and (2) of the said Act are repealed and the following substituted therefor: s. 14 (1, 2),
re-enacted

(1) The corporation may, in accordance with practices and procedures approved by the council, Personnel

- (a) appoint, hire, or otherwise engage officers, employees, agents or others;
- (b) determine the qualifications, responsibilities, duties and positions and terms and conditions of employment or service of persons appointed, hired or otherwise engaged by the corporation;
- (c) establish classifications for persons appointed, hired or otherwise engaged by the corporation and reclassify, promote or transfer any such person;

(d) determine the remuneration, salaries and benefits of, and any payments to, officers, servants, agents or others; and

(e) suspend, discharge or otherwise terminate employment or services.

Senior positions

(1a) The council, for the purposes of this section, may define the positions that are senior personnel positions and no person shall be appointed, hired or otherwise engaged to fill a senior position until the approval of council has been obtained.

Performers

(2) The corporation may temporarily hire or otherwise employ or engage and pay for the services of performers and persons engaged in the performing arts in support of the performers, from time to time as it requires, and make all necessary arrangements in relation thereto.

s. 14, amended

(2) Section 14 of the said Act is amended by adding thereto the following subsection:

Bonus

(4) Notwithstanding subsection (3), no bonus or like sum of money or any other benefit in substitution thereof shall be paid to any person.

s. 17, amended

3. Section 17 of the said Act is amended by adding thereto the following subsection:

Inventory of personal property

(1a) The corporation shall, in accordance with good business practice, keep and maintain an accurate inventory of all its personal property and provide the council with an inventory thereof as the council may require.

s. 18, amended

4. Section 18 of the said Act is amended by adding thereto the following subsection:

Certified true copies

(1a) The corporation shall make all of its books and records available at all times to such persons as the council may require and shall provide certified true copies of such minutes, documents, books, records or any other writings as council may require.

s. 18a, enacted

5. The said Act is amended by adding thereto the following section:

FINANCIAL INFORMATION

Monthly statements

18a.—(1) The corporation shall provide the City with monthly statements of,

(a) revenues and expenditures;

(b) profit and loss;

(c) expenses, allowances and other like payments to directors, officers, servants, employees, agents and others; and

(d) such financial or operating expenditures as council may require.

(2) The statements referred to in subsection (1) shall be in such form as the City Treasurer may require. Idem

6. Section 19 of the said Act is amended by adding thereto the following subsection: s. 19, amended

(1a) The corporation shall, in such manner as the council may require, provide in the budgets submitted to council all financial details of revenues and expenditures including expense accounts, expenses incurred, remuneration, salaries and any other information that council may require. Budget details

7.—(1) The said Act is further amended by striking out the heading “CLAIMS AGAINST THE CORPORATION” immediately preceding section 22. Heading repealed

(2) Section 22 of the said Act is repealed and the following substituted therefor: s. 22, re-enacted; s. 22a, enacted

MISCELLANEOUS

22.—(1) The meetings of the board and the corporation shall be open to the public and no person shall be excluded from a meeting except for improper conduct as determined by the board. Open meetings

(2) Notwithstanding subsection (1), the council may, by law, authorize meetings of the board and the corporation to be held *in camera* in respect of, Exceptions

(a) personnel matters, including matters related to wages, salaries and benefits;

(b) discipline, unless the individual affected requests that the meeting be open to the public;

(c) collective bargaining;

(d) litigation and communications respecting solicitor-client relationships, including legal opinions and advice;

- (e) proposed or actual contracts with producers or promoters of exhibitions, shows or attractions; and
- (f) such other matters as the council may determine.

Indemnity

22a.—(1) Subject to subsection (2), every director or officer of the corporation and his heirs, executors, administrators and other legal personal representatives may from time to time be indemnified and saved harmless by the corporation from and against,

- (a) any liability and all costs, charges and expenses that he sustains or incurs in respect of any action, suit or proceeding that is proposed or commenced against him for or in respect of anything done or permitted by him in respect of the execution of the duties of his office; and
- (b) all other costs, charges and expenses that he sustains or incurs in respect of the affairs of the corporation.

Limitations

(2) No director or officer of the corporation shall be indemnified by the corporation in respect of any liability, costs, charges, or expenses that he sustains or incurs in or about any action, suit or other proceeding as a result of which he is adjudged to be in breach of any duty or responsibility imposed upon him under this Act or under any other statute unless, in an action brought against him in his capacity as director or officer, he has achieved complete or substantial success as a defendant.

Insurance

(3) The corporation may purchase and maintain insurance for the benefit of a director or officer thereof, except insurance against a liability, cost, charge or expense of the director or officer incurred as a result of his failure to exercise the powers and discharge the duties of his office honestly, in good faith and in the best interests of the corporation, exercising in connection therewith the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

PART II

THE HAMILTON PLACE CONVENTION CENTRE, INC.

1980, c. 99,
s. 2 (1),
amended

8. Subsection 2 (1) of *The City of Hamilton Act, 1980*, being chapter 99, is amended by striking out “displays” in the sixth line and inserting in lieu thereof “events”.

s. 10,
re-enacted

9. Section 10 of the said Act is repealed and the following substituted therefor:

Personnel

10.—(1) The Corporation may, in accordance with practices and procedures approved by the council,

- (a) appoint, hire or otherwise engage officers, employees, agents or others;
- (b) determine the qualifications, responsibilities, duties and positions and terms and conditions of employment or service of persons appointed, hired or otherwise engaged by the Corporation;
- (c) establish classifications for persons appointed, hired or otherwise engaged by the Corporation and reclassify, promote or transfer any such person;
- (d) determine the remuneration, salaries and benefits of, and any payments to, officers, servants, agents or others; and
- (e) suspend, discharge or otherwise terminate employment or services.

(2) The council, for the purposes of this section, may define the positions that are senior personnel positions and no person shall be appointed, hired or otherwise engaged to fill a senior position until the approval of council has been obtained.

Senior
positions

10.—(1) Subsection 11 (3) of the said Act is amended by striking out “the Board of Control of the City and” in the second line.

s. 11 (3),
amended

(2) Section 11 of the said Act is amended by adding thereto the following subsection:

s. 11,
amended

(3a) Notwithstanding subsection (2), no bonus or like sum of money or any other benefit in substitution thereof shall be paid to any person.

Bonus

11. The said Act is amended by adding thereto the following section:

s. 12a,
enacted

12a.—(1) The Corporation shall provide the City with monthly statements of,

Monthly
statements

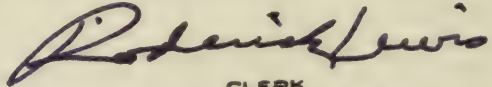
- (a) revenues and expenditures;
- (b) profit and loss;
- (c) expenses, allowances and other like payments to directors, officers, servants, employees, agents and others; and
- (d) such financial or operating expenditures as council may require.

- Idem (2) The statements referred to in subsection (1) shall be in such form as the City Treasurer may require.
- s. 13, amended **12.** Section 13 of the said Act is amended by adding thereto the following subsection:
- Certified true copies (1a) The Corporation shall make all of its books and records available at all times to such persons as the council may require and shall provide certified true copies of such minutes, documents, books, records or any other writings as council may require.
- s. 14, amended **13.** Section 14 of the said Act is amended by adding thereto the following subsection:
- Budget details (1a) The Corporation shall, in such manner as the council may require, provide in the budgets submitted to council all financial details of revenues and expenditures including expense accounts, expenses incurred, remuneration, salaries and any other information that council may require.
- s. 16a, enacted **14.** The said Act is further amended by adding thereto the following section:
- Inventory of personal property 16a. The Corporation shall, in accordance with good business practice, keep and maintain an accurate inventory of all its personal property and provide the council with an inventory thereof as the council may require.
- s. 17a, enacted **15.** The said Act is further amended by adding thereto the following section:
- Open meetings 17a.—(1) The meetings of the board and the Corporation shall be open to the public and no person shall be excluded from a meeting except for improper conduct, as determined by the board.
- Exceptions (2) Notwithstanding subsection (1), the council may, by by-law, authorize meetings of the board and the Corporation to be held *in camera* in respect of,
- (a) personnel matters, including matters related to wages, salaries and benefits;
 - (b) discipline, unless the individual affected requests that the meeting be open to the public;
 - (c) collective bargaining;

- (d) litigation and communications respecting solicitor-client relationships, including legal opinions and advice;
- (e) proposed or actual contracts with persons proposing or holding conventions, meetings, receptions, trade shows, conferences or events of any kind; and
- (f) such other matters as the council may determine.

- 16.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 17.** The short title of this Act is the *City of Hamilton Act, 1982*. Short title

PRESENTED TO BY LIEUTENANT-GOVERNOR DEC. 15 1982



CLERK
LEGISLATIVE ASSEMBLY

10. $2x^2 + 3x - 5 = 0$ $2x^2 + 3x - 5 = 0$

An Act respecting the City of Hamilton

1st Reading

October 14th, 1982


2nd Reading

December 7th, 1982

3rd Reading

December 7th, 1982

MR. CHARLTON

A handwritten signature in dark ink, appearing to be 'M. Bradley', is written over the top right of the page.

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of St. Catharines

MR. BRADLEY

1001

BILL Pr30

1982

An Act respecting the City of St. Catharines

WHEREAS The Corporation of the City of St. Catharines ^{Preamble} hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any general or special Act, the council of ^{Dog waste} The Corporation of the City of St. Catharines may, by by-law, require any person who owns, controls or harbours a dog to remove forthwith excrement left by the dog on public or private property in the City of St. Catharines, and the council may exclude from the operation of the by-law such class or classes of persons as may be set out in the by-law.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. The short title of this Act is the *City of St. Catharines Act*, ^{Short title} 1982.

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV. 18, 1982

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
City of St. Catharines

1st Reading

May 18th, 1982

2nd Reading

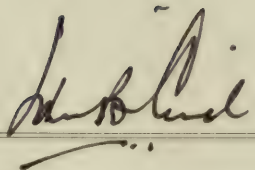
November 16th, 1982

3rd Reading

November 16th, 1982

MR. BRADLEY

BILL Pr31

A handwritten signature in dark ink, appearing to be 'L. B. L.' or similar, is written in the top right corner of the page.

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Thunder Bay

MR. HENNESSY

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL Pr31

1982

An Act respecting the City of Thunder Bay

WHEREAS The Corporation of the City of Thunder Bay, herein Preamble
called the Corporation, hereby applies for special legislation in
respect of the matters hereinafter set forth; and whereas it is expedient to
grant the application;

Therefore, Her Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 (1) of the *City of Thunder Bay Act, 1977*, being s. 2 (1),
chapter 108, is amended by striking out "and" at the end of clause amended
(*m*), by inserting "and" at the end of clause (*n*) and by adding
thereto the following clause:

(*o*) establishing and naming one or more boards of man-
agement to which may be entrusted, subject to such
limitations as the by-law may provide, all the powers,
rights, authorities and privileges conferred and duties
imposed on the Corporation by any general or special
Act with respect to the construction, maintenance,
operation and management of one or more pedestrian
promenades named in the by-law.

2. The said Act is amended by adding thereto the following section: s. 2a,
enacted

2a.—(1) In this section, "board of management" means a Interpre-
board of management established under clause 2 (1) (*o*). tation

(2) A board of management is a body corporate and shall Body
corporate,
membership
consist of such number of members, not to exceed nine,
appointed by the council of the Corporation as the council con-
siders advisable, one of whom shall be a member of the council
and each of whom shall be a person qualified to be an elector in
the City of Thunder Bay, and the members so appointed shall
hold office until the expiration of the term of the council that
appointed them and until their successors are appointed.

- Vacancies (3) Where a vacancy in a board of management occurs from any cause, the council of the Corporation shall appoint immediately a person, qualified as set out in this section, to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.
- Reappointment (4) A member of a board of management is eligible for re-appointment on the expiration of his term of office.
- Estimates (5) Each board of management shall submit to the council of the Corporation its estimates for the current year at the time and in the form prescribed by council and may make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein divests the council of its authority with reference to rejecting such estimates in whole or in part or to providing the money for the purposes of the board of management in whole or in part or to designating the purposes for which such funds shall be expended, and when money is so provided by the council, the treasurer of the Corporation shall, upon the certificate of the board of management, pay out such money.
- Expenditures (6) A board of management shall not expend any moneys not included in its estimates or in a reserve fund established for such purpose.
- Debts (7) A board of management shall not borrow money and, without the prior approval of the council of the Corporation, shall not incur any indebtedness extending beyond the current year.
- Annual report (8) On or before the 1st day of March in each year, each board of management shall submit its annual report for the preceding year to the council of the Corporation, including a complete audited and certified financial statement of its affairs with balance sheets and revenue and expenditure statement.
- Audit (9) The auditor of the Corporation shall be the auditor of each board of management and all books, documents, transactions, minutes and accounts of the board of management shall, at all times, be open to his inspection.
- Abolition of board (10) The council of the Corporation may at any time repeal the by-law establishing a board of management and upon the repeal of the by-law establishing a board of management, the board of management ceases to exist and its undertaking, documents, assets and liabilities shall be assumed by the Corporation.

(1) A by-law passed under the authority of this Act may provide, with the approval of the Ontario Municipal Board, that, Computation of special rates

- (a) the capital cost of any enclosed or covered pedestrian promenade or any part thereof; and
- (b) any sum of money provided by the Corporation from time to time for the purposes of a board of management established under clause 2 (1) (o),

together with interest thereon at such rate as is required to repay any interest paid or payable in the current year by the Corporation on the whole or any part of such sum, shall be levied as a special rate against the lands in a defined area within the redevelopment area that, in the opinion of the council of the Corporation, derive special benefit from an enclosed or covered pedestrian promenade.

(1a) For the purposes of subsection (1), capital costs may Idem include the capitalization and amortization, which will not extend beyond the 1st day of January, 1990, of operating deficits incurred prior to the 1st day of January, 1983.

(2) Where a by-law includes provision for a special rate under subsection (1), the entire costs chargeable to lands in the defined Apportionment of special rates area shall be apportioned among all the parcels during such year or years during which the by-law remains in force, in such manner as the council of the Corporation may determine.

(2) Subsection 3 (5) of the said Act is repealed.

s. 3 (5),
repealed

(3) Clause 3 (6) (a) of the said Act is repealed and the following s. 3 (6) (a),
re-enacted substituted therefor:

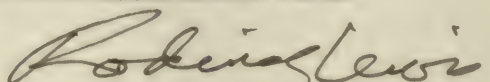
- (a) the special benefit derived from the enclosed or covered pedestrian promenade by a parcel of land in the defined area has increased or decreased.

(4) Section 3 of the said Act is amended by adding thereto the s. 3,
amended following subsection:

(4) In this section "parcel" means any estate or interest in land that may be separately assessed as real property or that may be used as the basis for computing business assessment under the *Assessment Act*. Interpretation
R.S.O. 1980,
c. 31

- 4. This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 5. The short title of this Act is the *City of Thunder Bay Act, 1982*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV. 18 1982



An Act respecting the
City of Thunder Bay

1st Reading

May 28th, 1982

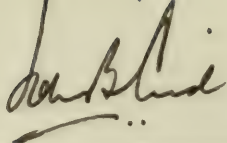
2nd Reading

November 16th, 1982

3rd Reading

November 16th, 1982

MR. HENNESSY



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act to continue The Corporation of the Township of
Fauquier under the name of The Corporation of the
Township of Moonbeam**

MR. PICHÉ

BILL Pr32

1982

**An Act to continue The Corporation
of the Township of Fauquier under
the name of The Corporation of
the Township of Moonbeam**

WHEREAS The Corporation of the Township of Fauquier Preamble
hereby applies for special legislation in respect of the mat-
ters hereinafter set forth; and whereas it is expedient to grant the
application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

1. The Corporation of the Township of Fauquier is hereby Name
changed
continued under the name of The Corporation of the Township
of Moonbeam.

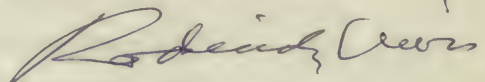
2. Any reference to The Corporation of the Township of References
to former
name
Fauquier or the Township of Fauquier in any Act, regulation,
by-law, agreement or other document passed, made, entered into
or executed before this Act comes into force shall be deemed to be
a reference to The Corporation of the Township of Moonbeam
and to the Township of Moonbeam, respectively.

3. This Act comes into force on the 18th day of June, 1982. Commence-
ment

4. The short title of this Act is the *Township of Moonbeam* Short title
Act, 1982.

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 15, 1982



CLERK
LEGISLATIVE ASSEMBLY

An Act to continue The Corporation of the
Township of Fauquier under the name of
The Corporation of the Township of
Moonbeam

1st Reading

May 18th, 1982

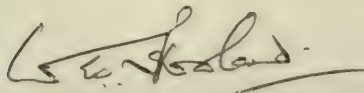
2nd Reading

June 15th, 1982

3rd Reading

June 15th, 1982

MR. PICHE



Bill Pr33

*(Chapter Pr5
Statutes of Ontario, 1983)*

An Act respecting the City of Kitchener

Mr. Breithaupt

<i>1st Reading</i>	June 24th, 1982
<i>2nd Reading</i>	February 8th, 1983
<i>3rd Reading</i>	February 8th, 1983
<i>Royal Assent</i>	February 23rd, 1983

Bill Pr33

1982

An Act respecting the City of Kitchener

Whereas The Corporation of the City of Kitchener, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section, “amusement arcade” means a place where three or more coin or token operated machines, devices, contrivances or games are provided for public amusement, excluding a coin-operated machine which provides musical entertainment, rides, food or drink, but does not include premises licensed under the *Liquor Licence Act*.

Interpre-
tation

R.S.O. 1980,
c. 244

(2) The council of the Corporation may pass by-laws for licensing, regulating and governing,

Licensing,
etc., of
amusement
arcades

(a) amusement arcades or any class or classes thereof; and

(b) persons who operate amusement arcades to which a by-law passed under clause (a) applies,

and for revoking or suspending any such licence.

(3) A by-law passed under this section shall be deemed to be a by-law passed under the *Municipal Act*.

Application
of R.S.O.
1980, c. 302

2.—(1) Section 4 of the *City of Kitchener Act, 1981*, being chapter 90, is repealed and the following substituted therefor:

1981, c. 90,
s. 4,
re-enacted

4.—(1) The board shall be composed of nine directors as follows:

Board of
directors

1. The mayor of the City.

2. Three directors, other than the mayor of the City, who shall be members of council.
3. Five directors who shall not be members of council.

Mayor's
alternate

(2) The mayor of the City may from time to time designate a member of council, other than a director appointed to the board under paragraph 2 of subsection (1), to be his alternate at meetings of the board in the place and stead of the mayor and the designated alternate shall have all of the powers and duties of a director at a meeting of the board.

s. 5 (1),
re-enacted

(2) Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

Directors

(1) The directors referred to in paragraphs 2 and 3 of subsection 4 (1) shall be appointed by the council by by-law.

s. 5 (4),
re-enacted

(3) Subsection 5 (4) of the said Act is repealed and the following substituted therefor:

Idem

(4) Directors who are not members of council, appointed after the first directors, shall be appointed for a term of three years.

Transition

3.—(1) Notwithstanding that under section 4 of the *City of Kitchener Act, 1981*, the board of directors of The Centre in The Square Inc. is to be composed of nine directors, the mayor shall become a director of The Centre in The Square Inc., forthwith upon the coming into force of this section and, until the successors of the directors appointed under paragraph 1 of subsection 5 (4) of that Act, as that Act read on the 1st day of January, 1982, are appointed, the board shall be composed of ten directors.

Idem

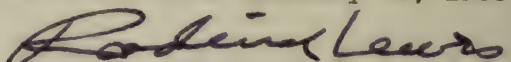
(2) The three directors appointed under paragraph 1 of subsection 5 (4) of the *City of Kitchener Act, 1981*, as that Act read on the 1st day of January, 1982, shall, at the end of their terms, be replaced by two directors who are not members of council.

Commence-
ment

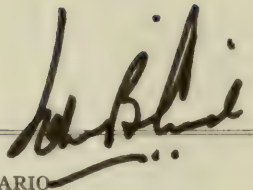
4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *City of Kitchener Act, 1983*.



BILL Pr35



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act to incorporate
The City of Sarnia Foundation**

MR. BRANDT

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL Pr35

1982

An Act to incorporate The City of Sarnia Foundation

WHEREAS the council of The Corporation of the City of Sarnia hereby represents that it is desirable and in the public interest to create a body corporate to receive, maintain, manage, control and use donations for charitable purposes within Ontario; and whereas the applicant has applied for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The persons named in the Schedule and their successors as members of the Board of Directors of the Foundation are hereby constituted a body corporate and politic without share capital under the name of "The City of Sarnia Foundation", herein called the Foundation.

Foundation
incorporated

2.—(1) The head office of the Foundation shall be in the City of Sarnia.

Head office

(2) The objects of the Foundation are to receive, maintain, manage, control and use donations for charitable purposes within Ontario.

Objects

(3) In this Act, "charitable purposes" includes educational and cultural purposes.

Interpre-
tation

3.—(1) The Foundation shall be composed of the members for the time being of the Board of Directors of the Foundation, herein called the Board.

Board of
Directors

(2) The first members of the Board shall be the persons named in the Schedule, who shall serve for a period of three months after the day this Act comes into force, and every such member is eligible for reappointment as provided for in subsection (3).

Members

Composition (3) Commencing three months after the day this Act comes into force, the Board shall be composed of seven members appointed by the nominating committee provided for in section 4.

Term of office (4) Three of the members appointed by the nominating committee under subsection (3) shall serve for one year, two of the members shall serve for two years and two of the members shall serve for three years.

Remuneration and term of office (5) Members of the Board shall serve without remuneration and, subject to subsection (4), shall be appointed for a term of three years and, subject to subsection (6), are eligible for reappointment.

Reappointment (6) No member of the Board is eligible for reappointment to a third term until one year has elapsed after he ceases to hold office.

Vacancies (7) A vacancy occurring in the membership of the Board by reason of the expiration of a term of office shall be filled by appointment by the nominating committee provided for in section 4.

Idem (8) A vacancy arising in the membership of the Board by reason of death, resignation or any other cause, other than the expiration of a term of office, shall be filled by appointment by the nominating committee provided for in section 4, and any person so appointed shall hold office for the unexpired portion of the term of office of his predecessor.

Composition of nominating committee **4.—(1)** The nominating committee shall consist of the persons holding the following offices from time to time:

1. The Mayor of the City of Sarnia, or any other member of the council of the City nominated by the Mayor in writing.
2. The Senior Judge of the County Court of the County of Lambton.
3. The Chairman of the Board of Governors of Lambton College.
4. The President of the Sarnia & District Chamber of Commerce.
5. The President of the Lambton Law Association.

(2) If a person holding any of the offices referred to in subsection (1) is unable or unwilling to act as a member of the nominating committee, the other members of the nominating committee shall appoint another member to act during the period in which the original member is unable or unwilling to act.

Temporary
substitute
member

(3) The nominating committee shall meet annually or oftener upon the call of the secretary of the Board, if any, or upon the call of the chairman of the nominating committee whenever it is necessary to fill a vacancy in the Board.

Meetings

(4) The nominating committee may make such rules governing its procedure, including the appointment of a chairman, as it considers advisable.

Rules

(5) A quorum of the nominating committee for any meeting shall be not less than three of its members present in person, and a majority vote of all the members of the committee shall be required for the appointment of a member of the Board.

Quorum

(6) If the nominating committee fails to appoint a person to fill a vacancy in the membership of the Board within ninety days after the vacancy occurs, the remaining members of the Board may apply to a judge of the Supreme Court to make the appointment, and the judge to whom the application is made may appoint any person to fill the vacancy or make such other order as he deems just.

Failure of
committee
to fill
vacancy

5.—(1) The Board may pass by-laws to regulate and govern its procedure and actions and the conduct and administration of the affairs of the Foundation.

By-laws of
Board

(2) Without limiting the generality of subsection (1), the Board may pass by-laws,

Idem

(a) regulating the calling of and the procedure at meetings of the Board, and fixing the time and place of such meetings;

(b) fixing the quorum of the Board;

(c) regulating the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Foundation.

(3) Any by-law of the Board may be repealed or amended by the Board in accordance with such rules or regulations as it may prescribe by by-law.

Repeal and
amendment

Approval

(4) By-laws of the Board require the approval either at a meeting or in writing of the majority of the members of the Board.

Powers of
Foundation

6.—(1) The Foundation is empowered,

- (a) to receive directly donations of, and hold, control and administer, real and personal property of every kind and description wherever situated;
- (b) to receive donations or the benefit of donations indirectly either by way of testamentary disposition or deed of trust or otherwise, and to use and expend or direct the using and expending of real or personal property of every kind and description, wherever situated, or the income therefrom;
- (c) except as hereinafter or by any particular deed of gift provided, to convert any property at any time and from time to time received and held by or on behalf of the Foundation into any other form and for that purpose to sell or cause and authorize the property to be sold, assigned, transferred, leased, exchanged or otherwise disposed of;
- (d) to pass on and entrust to one or more trust companies the custody and management of all or any part of the property at any time and from time to time received or held by the Foundation in such manner and in such proportions as the Board deems proper, and to enter into agreements with such trust companies with respect thereto;
- (e) to direct any trust company to manage and administer as a single fund and in such manner as the Board considers advisable any one or more donations held by such trust company for the purposes of the Foundation under any testamentary document or deed of trust or otherwise;
- (f) to lease any lands at any time held by the Foundation except where such lease would contravene a public use agreed upon when the lands were accepted;
- (g) to pay and apply the net income from all funds held directly or indirectly by it towards such charitable purposes within Ontario as the Board considers advisable;

- (h) to pay, apply and distribute such portions as the Board considers advisable of the capital of the funds held directly or indirectly by it, to and for such charitable purposes within Ontario as the Board considers advisable, but,
 - (i) unless otherwise specifically provided by the donor of any sum or fund, not more than a total of 10 per cent of the balance of the capital of the sum or fund shall be so distributed during any financial year, and
 - (ii) no distribution of capital shall be made without the approval of two-thirds of the directors, given in person at a meeting of the Board or if not present at a meeting, then in writing within the sixty days next after the meeting;
- (i) except as hereinafter provided, to control the management and investment of all its funds, but,
 - (i) where a trust company is specifically appointed as trustee of any fund by any testamentary document or deed of trust or otherwise, the trust company such have the physical custody of such fund and, subject to the specific terms of any such document, shall invest and reinvest the same within the general policy of investment laid down by the Board,
 - (ii) the custody of all securities and the accounting therefor may be entrusted by the Board to one or more trust companies and thereupon any such trust company shall invest and reinvest the same within the general policy of investment laid down by the Board;
- (j) to direct the investment of all its funds, which are to be invested by the Foundation or by any trust company or other trustee, in investments authorized for the investment of funds of life insurance companies in Canada, but the Board may authorize and direct the retention of any specific assets donated or bequeathed to the Foundation by any testamentary document or deed of trust or otherwise for such length of time as the Board in its sole discretion considers advisable notwithstanding that it does not consist of assets in which the Foundation is authorized to invest by this Act, and the Foundation and the members of the Board shall under no circumstances be liable, nor shall any trust company or

other trustee acting on the instructions of the Board be liable, for any loss or damage that may be suffered by reason of the retention of any such assets or the investment of any such moneys in accordance with the power and authority given in this clause;

- (k) to employ such person or persons, including trust companies and to take such other action as it considers advisable for the more efficient carrying out of the purposes of the Foundation, and such employees may be paid such reasonable compensation out of, and the Board may charge the expenses of any such other action to the income or capital, or both, of the funds of the Foundation as the Board considers advisable;
- (l) to set aside, or in its discretion to refrain from setting aside, any part of the income received by it from securities taken or purchased as part of the funds of the Foundation at a premium, as a sinking fund to retire or amortize such premium and to determine in its uncontrolled discretion in respect of all funds of the Foundation what shall be treated as income and what shall be treated as capital as to each respective transaction therein and to charge or apportion any losses or expenses to capital or income as it considers best;
- (m) to compromise, compound and adjust claims in favour of or against the property held or intended to be held by it, upon such terms and conditions as it considers just, expedient and proper;
- (n) subject to the *Charitable Gifts Act*, to carry on a related business, or a business donated to the Foundation, the net profits from such business to be used for the purposes of the Foundation;
- (o) subject to the *Accumulations Act*, to accumulate net income from year to year with the intention of distributing such accumulation for the purposes of the Foundation;
- (p) to set up, from time to time, a special fund for the relief of persons or families who suffer from death, injury, calamitous deprivation of the necessities of life, health or education as a result of disasters, fires, floods or accidents of major proportions within Ontario, that in the opinion of the Board merit the establishment of a special fund, and as part of such activity, to solicit and receive funds and to disburse them for such relief and for the expenses of advertising and operating the fund,

R.S.O. 1980,
c. 63

R.S.O. 1980,
c. 5

and for these purposes, the restrictions on the distribution of capital set out in clause (h) shall not apply, provided that any surplus in a special fund may be transferred to the general capital funds of the Foundation;

(q) to refuse to accept any bequest, devise and donation;

(r) subject to the *Charitable Gifts Act*, to retain any real or personal property in the form in which it may be when received by the Foundation as permanent investment or for such length of time as may be considered best. R.S.O. 1980,
c. 63

(2) Without limiting the generality of its objects, the Foundation may, Idem

(a) erect or assist in the erection of special gardens, statues, decorative fountains, historical markers, gateways, walks, historical or art museums or display space, or other features contributing to educational and aesthetic matters;

(b) acquire and display or arrange for the display of rare books, works of art and items of historical or educational interest;

(c) make arrangements for the use by interested or capable persons of musical instruments and dramatic or scientific equipment held by the Foundation;

(d) foster historical research;

(e) encourage writers and authors to produce from time to time essays, books, pamphlets and articles dealing with the City of Sarnia, the County of Lambton and its inhabitants; and

(f) establish or aid in the establishment of exhibits of items of historical significance.

7.—(1) Notwithstanding any other provision of this Act, the Foundation may establish a common trust fund, herein called the Fund, in which property received by the Foundation under bequests, devises and donations is combined for the purpose of facilitating investments. Common
trust fund

(2) The Board may, by resolution passed by a majority of the Board, make regulations from time to time concerning the operation of the Fund, the method of valuation of investments in the Powers of
Board

Fund and the date or dates upon which the valuation may be made, the distribution of the income of the Fund and the property that may be included in the Fund.

Limitation
on powers
of Board

(3) A direction in writing by a donor that property included in a donation, bequest or devise shall not be included in the Fund is binding on the Board.

Specific
powers

8.—(1) The Foundation may accept donations either directly or indirectly, subject to the condition that the income or capital, or both thereof, shall be paid and applied to a specific charitable purpose, either for a specific or an indefinite period of time.

Proviso

(2) If the Board is satisfied that conditions are such as to render it impossible, impracticable, inefficient or unwise to expend all or any part of a donation referred to in subsection (1), or the net income derived therefrom at any time for such specific charitable purpose, the Board may apply to the Supreme Court for direction to use the income or capital, or both, for other purposes of the Foundation.

Management
of funds

(3) Notwithstanding any other provision of this Act, the Foundation is empowered to receive, invest and manage endowment and capital funds previously held by or anticipated to be received for the account of another Canadian charitable, educational or cultural organization, in accordance with the arrangement between the Foundation and the organization, and the Foundation may, upon request, return to the organization all or any part of such organization's assets held by the Foundation.

Form of
words

9. Any form of words is sufficient to constitute a donation for the purposes of this Act so long as the donor indicates an intention to contribute presently or prospectively to the Foundation.

Nature of
donations

10. The Foundation may accept a donation notwithstanding that some portion of the benefit of the donation is directed to be applied to charitable purposes outside Ontario, if such portion of the benefit of the funds is directed to be applied to charitable purposes within Canada.

Treatment
of donations

11.—(1) Subject to subsection (2), all donations made directly or indirectly to the Foundation may be treated for all purposes as a general fund, and in the absence of any direction by the donor, it shall be deemed that all contributions are received as capital and are to be invested and the net income therefrom devoted for charitable purposes as provided in this Act.

Idem

(2) In the case of a donation of \$25,000 or more, the donor may require that such donation be maintained as a separate fund, in which case, in each year thereafter, a separate accounting thereof shall be set out in the annual audited report.

12.—(1) Unless otherwise directed by testamentary document or deed of trust or otherwise, all donations of \$100 or more shall be publicly acknowledged, in the financial year following that in which they are made, by being set out in the annual audited report, and donations of less than \$100 may be consolidated together and shown as one figure in the annual audited report. Acknowledgements

(2) Unless otherwise directed by testamentary document or deed of trust or otherwise, donations from any one person shall be publicly acknowledged in every year following their receipt by being set out in the annual audited report but if one person makes more than one donation, then only the total of that person's donations, as they may be from time to time, need be shown. Idem

13.—(1) The Foundation shall cause an audit to be made at least once in every fiscal year of the books and records of the Foundation by an accountant licensed under the *Public Accountancy Act*. Audit
R.S.O. 1980,
c. 405

(2) The audit shall include an examination of all assets held by the Foundation or any trust company on its behalf, or held by any trustee in trust for the Foundation and, notwithstanding that any such funds may be held by a trustee pursuant to the provisions of a testamentary document or deed of trust, the trustee shall give an accounting thereof to the auditor of the Foundation each year. Idem

(3) The Foundation shall cause to be published in the newspaper published in the City of Sarnia, Ontario, reputed to have the largest circulation therein, a certified statement by the auditor setting out the revenue and expenses, balance sheet and capital account and grants paid of the Foundation or held in trust for the Foundation, but the published statement need not include the names of donors in the years prior to the immediately preceding financial year. Publication of statement

(4) The statement shall show separately the revenue and expenses, balance sheet and capital account, and grants paid of any fund which is held separately but with respect to other assets may show the same as a general fund. Contents of statement

(5) The statement shall set out in detail the purposes for which the income has been used and the expenses of the Foundation, all in accordance with generally accepted accounting principles and auditing standards. Idem

(6) The Board and any trust company or other trustee holding funds in trust for the Foundation shall give full information and permit all necessary inspection to enable such audit to be made. Information and inspection

Application of
R.S.O. 1980,
c. 65

Limitation
on powers

(7) The *Charities Accounting Act* applies to the Foundation.

14. No power conferred on the Foundation by this Act shall be exercised in respect of any donation in contravention of any express provision to the contrary in the will, deed or other document of trust governing such donation, unless so directed by a judge of the Supreme Court.

Dissolution

15.—(1) Upon the dissolution of the Foundation and after payment of all its debts and liabilities, the remaining property of the Foundation shall be transferred to The Corporation of the City of Sarnia.

Idem

(2) If The Corporation of the City of Sarnia receives any property under subsection (1), it shall use the property, subject to any trust affecting the property, only for the same objects and purposes as the Foundation could have used the property under subsection 2 (2), clause 6 (1) (*p*) and subsection 6 (2) and the property shall be kept separate and apart from all other property of the Corporation.

Idem

(3) Notwithstanding subsection (2), if The Corporation of the City of Sarnia receives any property under subsection (1), it may, subject to any trust affecting the property, transfer the property, or any part thereof, to one or more institutions in Ontario having charitable purposes.

Commence-
ment

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. The short title of this Act is the *City of Sarnia Foundation Act, 1982*.

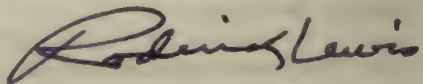
SCHEDULE

FIRST BOARD OF DIRECTORS

Marceil George Saddy, Douglas Bain, Marcella Brown, Robert Gray, John Kowalyshyn, June Lasenby, Patrick O'Brien, Bernice Rade and William Peter Rawana, all of the City of Sarnia, in the County of Lambton.

ASSENTED TO BY LIEUTENANT-GOVERNOR

DEC. 15, 1982



CLERK
LEGISLATIVE ASSEMBLY



An Act to incorporate
The City of Sarnia Foundation

1st Reading

October 4th, 1982

2nd Reading

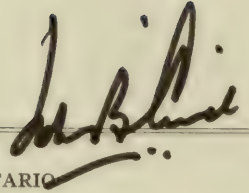
December 7th, 1982

3rd Reading

December 7th, 1982

MR. BRANDT

BILL Pr38



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the Town of Strathroy

MR. McNEIL

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL Pr38

1982

An Act respecting the Town of Strathroy

WHEREAS The Corporation of the Town of Strathroy, Preamble
 herein called the Corporation, hereby represents that the Strathroy Parks, Community Centres and Recreation Commission, herein called the Commission, was established by *The Town of Strathroy Act, 1974*, being chapter 159; that the council of the Corporation considers it to be in the best interests of the citizens of the Town of Strathroy that the functions of the Commission be placed under the control of the council of the Corporation and that all assets and liabilities of the Commission become assets and liabilities of the Corporation; and whereas the Corporation hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Strathroy Parks, Community Centres and Recreation Commission is hereby dissolved, and all of the powers, rights, duties, obligations and privileges conferred and imposed upon the said Commission and all of its undertakings, assets and liabilities shall be assumed by the Corporation without compensation. Commission dissolved

2. All by-laws of the Commission shall continue as by-laws of the Corporation until amended or repealed. By-laws continued

3. Upon the dissolution of the Commission, the employees thereof shall become employees of the Corporation and all terms and conditions of employment respecting such employees, including, without limiting the generality of the foregoing, seniority, remuneration and other benefits in force, shall be assumed by the Corporation. Employees of Commission

4. *The Town of Strathroy Act, 1974*, being chapter 159, is repealed. Repeal

Commence-
ment

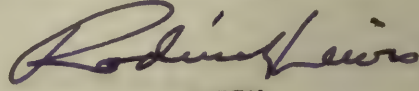
5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Town of Strathroy Act, 1982*.

ASSENTED TO BY LIEUTENANT GOVERNOR DEC. 15 1982





CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the Town of Strathroy

1st Reading

October 12th, 1982

2nd Reading

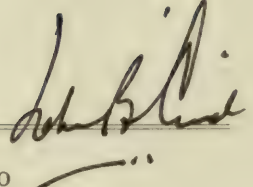
December 7th, 1982

3rd Reading

December 7th, 1982

MR. McNEIL

BILL Pr39



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Windsor

MR. WRYE

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL Pr39

1982

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor, herein Preamble
called the Corporation, hereby applies for special legisla-
tion in respect of the matters hereinafter set forth; and whereas it
is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts as
follows:

1.—(1) The council of the Corporation may pass by-laws, Speed control zones

- (a) designating any highway or portion of a highway under its jurisdiction as a speed control zone;
- (b) authorizing the installation of a device or devices in any part of the roadway in a speed control zone so as to alter its surface; and
- (c) providing for the marking of any speed control zone by a sign or signs and providing for the placing thereof.

(2) A by-law passed under this section shall contain, Contents of by-law

- (a) a description of the device or devices authorized to be installed;
- (b) a description of the sign or signs authorized and the location thereof; and
- (c) a provision for the marking of any speed control zone by a sign or signs and for the placing thereof.

(3) No by-law passed under this section becomes effective When effective
until the consent of the Minister of Transportation and Com-
munications is endorsed on the by-law.

(4) Notwithstanding any general or special Act, where a by- Exemption from liability
law passed under this section is in effect, no liability attaches to

the Corporation by reason of the passing of the by-law or anything done pursuant to it, but nothing in this section shall absolve the Corporation from liability for negligence.

Interpretation **2.**—(1) In this section, “employee” and “retired employee” means an employee and a retired employee as defined in paragraph 46 of section 208 of the *Municipal Act*.

R.S.O. 1980,
c. 302

Health
insurance
benefits

(2) The council of the Corporation may pass by-laws for paying the whole or part of the cost of the Ontario Health Insurance Plan and the whole or part of the cost of a supplementary health insurance plan, which includes any or all of the following benefits,

(a) semi-private hospital coverage;

(b) prescription drug coverage; and

(c) dental service coverage,

for the spouses and dependants of deceased employees and retired employees.

Interpretation **3.**—(1) In this section,

(a) “clerk” means the clerk of the Corporation;

(b) “development” means the construction, erection or placing of one or more buildings or structures on land for the making of an addition or alteration to a building or structure;

(c) “improvement area” means an improvement area established under section 217 of the *Municipal Act*.

Demolition
control areas

(2) The council of the Corporation may designate by by-law the whole or any part of an improvement area as a demolition control area.

Demolition
control
permit

(3) Where a by-law has been passed under subsection (2), no person shall demolish the whole or any part of any building or structure in the demolition control area unless the person is the holder of a demolition permit issued under this section.

Exception

(4) Notwithstanding subsection (3), this section does not apply to a person who, at the time of demolition, holds a building permit to,

(a) construct or erect a new building on the site of the building or structure to be demolished; or

- (b) add to or alter the building or structure to be partly demolished.

(5) Where an application is made to the council of the Corporation for a permit to demolish the whole or any part of any building or structure in a demolition control area designated under subsection (2), the council may refuse to approve the application unless the applicant enters into an agreement with the Corporation respecting the beautification of the land pending development. Beautification agreement

(6) An agreement entered into under subsection (5) may provide, as a condition, that the person entering the agreement with the Corporation must complete the beautification of the land in accordance with the agreement by a date not later than a date specified in the agreement, such date being not less than 365 days from the day demolition of the existing building or structure or part thereof is commenced. Condition

(7) Where the Corporation fails to approve an application for a demolition permit under this section within thirty days after it is submitted to the Corporation, or where the owner of the land is not satisfied with the terms of the agreement or the condition imposed under subsection (6), the owner of the land may require that the application, agreement or condition, as the case may be, be referred to the Ontario Municipal Board by written notice to the secretary of the Board and to the clerk, and the Board shall then hear and determine the matter in issue and settle and determine the details of the application, agreement or condition and approve the same, and the decision of the Board is final. Referral to O.M.B.

(8) Where an agreement contains a condition under subsection (6) and the beautification is not completed in accordance with the agreement by the date specified therein, the person who obtained the demolition permit is guilty of an offence and on conviction is liable to a fine not exceeding \$10,000. Penalty

(9) This section is repealed on the 1st day of January, 1988, but the repeal of this section does not affect the enforcement of any agreement entered into prior to that date. Repeal

4.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commencement

(2) Section 2 comes into force on the 1st day of January, 1983. Idem

5. The short title of this Act is the *City of Windsor Act, 1982*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec. 21 1982

Robert Lewis

CLERK

An Act respecting the
City of Windsor

1st Reading

November 19th, 1982

2nd Reading

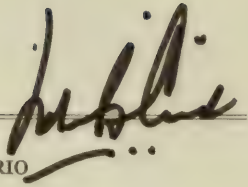
December 21st, 1982

3rd Reading

December 21st, 1982

MR. WRYE

BILL Pr40



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act to revive Ceephil Investments Ltd.

MR. ROTENBERG

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL Pr40

1982

An Act to revive Ceephil Investments Ltd.

WHEREAS Philip Wynn hereby represents that Ceephil Investments Ltd., herein called the Corporation, was incorporated by articles of incorporation dated the 17th day of July, 1972; that the Minister of Consumer and Commercial Relations by order dated the 21st day of February, 1979, and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in complying with the provisions of *The Corporations Tax Act*, 1972, being chapter 143, and declared the Corporation to be dissolved on the 21st day of February, 1979; that the applicant's nominee, Boaz Chicora, was the sole director and the holder of all the issued and outstanding common shares of the Corporation at the time of its dissolution; that the notice of default in filing annual returns, although sent to the applicant's nominee as director, was not received by him and neither the applicant nor his nominee became aware of the dissolution of the Corporation until a date approximately two years after the date of dissolution; that steps were taken to revive the Corporation within two years of its dissolution but the application for revival was not filed within the two-year period required by *The Business Corporations Act*; that the Corporation at the time of its dissolution was carrying on active business and active business has continued to be carried on in the name of the Corporation since the time of its dissolution; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Ceephil Investments Ltd. is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored it to its legal position as a company incorporated by articles of incorporation, including all its property, rights, privileges and franchises and subject to all its liabilities, con-

Corporation
revived

tracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Ceephil Investments Ltd. Act, 1982.*

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 15 1982





CLERK
LEGISLATIVE ASSEMBLY

An Act to revive Ceephil Investments Ltd.

1st Reading

October 14th, 1982

2nd Reading

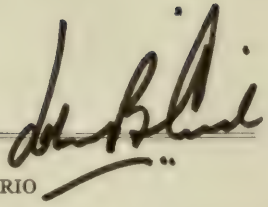
December 7th, 1982

3rd Reading

December 7th, 1982

MR. ROTENBERG

BILL Pr41



2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the Township of Tiny

MR. MCLEAN

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL Pr41

1982

An Act respecting the Township of Tiny

WHEREAS The Corporation of the Township of Tiny, Preamble
 herein called the Corporation, hereby represents that By-law No. 1236 of the Corporation, enacted on the 7th day of May, 1955, purported to authorize the closing up and sale of a portion of a subdivision road; that pursuant to the said By-law, a conveyance was made by the Township and subsequently the said closed road became part of residential subdivision lots upon which houses have been erected and the lots have been mortgaged and sold to several mortgagees and owners; that notice of the proposed passing of the By-law was not published, as required, prior to the passing of the By-law; that the By-law required the approval, by by-law, of The Corporation of the County of Simcoe within one year of the passing of the By-law by the Corporation, which approval was not obtained; that the By-law was incomplete because it did not have attached to it Schedules A and B which are referred to therein; that because of these circumstances the By-law was not effective and therefore there is a serious cloud on the titles to the subdivision lots; and whereas the Corporation hereby applies for special legislation to amend, confirm and validate the By-law; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 1236 of the Corporation, as set out in Schedule 1 hereto, is hereby confirmed and declared to be valid and binding from the date of the passing of the By-law. By-law confirmed

2. Schedules A and B, as set out in Schedule 2 hereto, shall be deemed always to have formed part of By-law No. 1236 of the Corporation. Schedules included in By-law

3. All conveyances by the Corporation pursuant to By-law No. 1236 are hereby ratified, confirmed and declared to be valid and binding. Conveyances confirmed

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Township of Tiny Act, 1982*.

SCHEDULE 1

BY-LAW NUMBER 1236

of the Corporation of the Township of Tiny, closing part of Bayview Road lying immediately North of part of the Northerly limit of Lot Number 3 according to registered Plan Number 1060.

WHEREAS Marc Picotte, the owner of Block "C" and Lots Numbers 3, 4 and 5, according to registered Plan 1060, for the purpose of providing better location, and to better provide for future intended re-subdivision of said parcels, has requested the council of the Corporation of the Township of Tiny to close part of Bayview Road as shown on said Plan, and has agreed to grant to the Corporation an alternative road allowance as a public highway in place of and instead of the said portion of Bayview Road desired to be closed.

Therefore the Council of the Corporation of the Township of Tiny hereby enacts as follows:

1. That the portion of Bayview Road according to registered Plan No. 1060, as described in Schedule A hereto annexed is hereby closed and stopped up.
2. Upon receipt of a conveyance to this Corporation for public highway purposes of the lands described in Schedule B hereto, the Reeve and Clerk are hereby authorized and directed to execute a Quit-Claim Deed to Marc Picotte of all of the said parcel described in Schedule A hereto.
3. This by-law shall come into force and effect on the approval thereof by the Minister of Planning and Development of the Province of Ontario.

Made, Passed and Enacted this Seventh day of May, 1955.

(S'gd.) ARTHUR DOWNER, Reeve.

(S'gd.) M. ASSELIN, Clerk.

I, Guy L. Maurice, A.M.C.T. Administrator of the Township of Tiny do certify under my hand and the corporate seal that the foregoing is a true copy of a by-law duly passed in open Council at a regular meeting held on the 7th day of May, 1955.

(S'gd.) GUY L. MAURICE, A.M.C.T. Administrator.

SCHEDULE 2

Schedule A to By-law Number 1236

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Tiny, in the County of Simcoe and Province of Ontario and being composed of part of Bayview Road according to Registered Plan 1060 for the said Township of Tiny and which said parcel or tract of land may be more particularly described as follows:

COMMENCING at an iron bar planted at the most North-westerly angle of Lot 3 according to the said Registered Plan 1060;

THENCE North 64 degrees, 11 minutes East following the Southerly limit of said Bayview Road distant 574.3 feet to an iron bar planted at a bend in said limit;

THENCE South 76 degrees, 34 minutes East following the said Southerly limit of said Bayview Road distant 929.0 feet to a bend in said limit;

THENCE South 64 degrees, 07 minutes East, still following the said Southerly limit of said Bayview Road distant 687.2 feet to a bend in said limit where said Bayview Road turns North-easterly;

THENCE North 31 degrees, 44 minutes East along the Easterly limit of said Bayview Road distant 66.3 feet to a point;

THENCE North 64 degrees, 07 minutes West 66.3 feet to a survey post planted at the South-easterly angle of Lot 5 according to said Registered Plan 1060;

THENCE continuing North 64 degrees, 07 minutes West along the Southerly limit of said Lot 5, 637.2 feet to an iron post planted at the South-westerly angle of said Lot 5;

THENCE North 76 degrees, 34 minutes West along the Southerly limit of Lot 4 according to said Registered Plan 1060 distant 465.7 feet more or less to a survey post planted at the South-westerly angle of said Lot 4;

THENCE continuing North 76 degrees, 34 minutes West along the Northern limit of the aforesaid Bayview Road distant 494.0 feet to a bend in said limit;

THENCE South 64 degrees, 11 minutes West still following the said Northernly limit of said Bayview Road, distant 220.6 feet to a point;

THENCE South 54 degrees, 16 minutes West across said Bayview Road distant 382.9 feet to the point of commencement.

Schedule B to By-law Number 1236

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Tiny, in the County of Simcoe, and being composed of all that part of Block "B", according to registered Plan No. 1060, described as follows:

COMMENCING at the most South-easterly angle of said Block "B";

THENCE South 64 degrees, 11 minutes West along the Northerly limit of Bayview Road according to said registered Plan 1060, distant 29.83 feet to a point;

THENCE North 54 degrees, 16 minutes East, distant 32.35 feet to intersect the Easterly limit of said Block "B";

THENCE South 5 degrees, 45 minutes East following the last mentioned limit distant 6 feet to the point of commencement.

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 15 1982

Rodney Lewis

CLERK
LEGISLATIVE ASSEMBLY

THE UNIVERSITY OF CHICAGO

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An Act respecting the Township of Tiny

1st Reading

November 8th, 1982

2nd Reading

December 7th, 1982

3rd Reading

December 7th, 1982

MR. MCLEAN

Bill Pr42

An Act respecting The Corporation of the City of Pembroke

Mr. Conway

<i>1st Reading</i>	November 29th, 1982
<i>2nd Reading</i>	January 25th, 1983
<i>3rd Reading</i>	January 25th, 1983
<i>Royal Assent</i>	January 27th, 1983

Bill Pr42

1982

An Act respecting The Corporation of the City of Pembroke

Whereas The Corporation of the City of Pembroke, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding the *Local Improvement Act*, all assessments, rates or charges levied or to be levied for works constructed before this Act comes into force under the authority of by-laws heretofore enacted under that Act and for which debentures have not yet been issued shall be assumed and paid for by the Corporation, as a whole, as a charge upon all the rateable property in the City of Pembroke.

Assumption
of local
improvement
charges
R.S.O. 1980,
c. 250

(2) The Corporation is hereby authorized to issue debentures for works to which subsection (1) applies in such amounts as the Ontario Municipal Board has approved so long as the total amount so debentured does not exceed \$601,621.35.

Debentures

(3) Debentures issued under subsection (2) shall be a charge upon all of the rateable property in the City of Pembroke.

Idem

(4) The Corporation shall not be obligated to hold any courts of revision or take any other proceedings under the *Local Improvement Act* with respect to works to which subsection (1) applies.

Courts of
revision

2. Sections 58 to 60 of the *Ontario Municipal Board Act* related to the certifying of the validity of debentures and to the form of the certificate of the Board apply with necessary modifications in respect of debentures issued under subsection 1 (2).

Application
of
R.S.O. 1980,
c. 347

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *City of Pembroke Act, 1983*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Jan. 27, 1983

Rodney Lewis

CLERK
LEGISLATIVE ASSEMBLY

BILL Pr43

Bill

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the City of Burlington

MR. KERR

LEGISLATION

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

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Page 1 of 1

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BILL Pr43

1982

An Act respecting the City of Burlington

WHEREAS The Corporation of the City of Burlington hereby applies Preamble
for special legislation in respect of the matters hereinafter set forth;
and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Town of Burlington Act, 1968-69*, being chapter s. 1,
144, is amended by adding thereto the following subsections: amended

(3) A by-law passed under subsection (1) may provide that, Additional
annual
charge

(a) with the approval of the Ontario Municipal Board, an
additional annual charge may be levied against the
lands in a defined area within the parking area, that in
the opinion of council derive special benefit therefrom;
and

(b) the entire cost chargeable under clause (a) to lands in
the defined area shall be equitably apportioned among
all parcels assessed as commercial in the proportion
that the commercial real property and business assess-
ment of each parcel bears to the total commercial real
property and business assessment in the defined area.

(4) The revenues from the additional annual charge referred Application
of revenues
to in subsection (3),

(a) may be held and accumulated as a reserve fund;

(b) may be used to reduce the amounts of any charge or
charges that would otherwise be levied under this sec-
tion; and

(c) subject to clauses (a) and (b), shall be used only for
purposes set out in subsections (1) and (2).

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is the *City of Burlington Act, 1982*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

DEC. 15 1982

Roderick Lee

An Act respecting the
City of Burlington

1st Reading

November 2nd, 1982

2nd Reading

December 7th, 1982

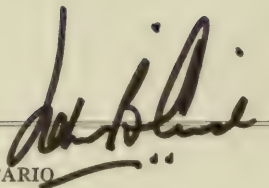
3rd Reading

December 7th, 1982

MR. KERR

BILL Pr44

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982



An Act respecting The Toronto Baptist Seminary

Ms. FISH

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL Pr44

1982

An Act respecting The Toronto Baptist Seminary

WHEREAS The Toronto Baptist Seminary was founded in 1927 in Toronto and incorporated by letters patent dated the 19th day of April, 1929, for the purpose of establishing and maintaining "a seminary or school for the training of students preparing for Christian work at home or abroad as pastors, missionaries, evangelists and Bible School teachers and other courses in such other Christian work and in the English Bible as may, from time to time, be arranged"; that its objects were extended by supplementary letters patent, dated the 3rd day of December, 1947, to enable it "to print, publish, distribute and sell books and other printed matter and to do all things as are incidental or conducive to the attainment of the above objects"; that since its incorporation it has exercised the authority to grant the degrees of Licentiate of Theology, Bachelor of Theology, Bachelor of Religious Education, Master of Divinity, Master of Theology, Master of Religious Education and honorary Doctor of Divinity; and whereas the applicant hereby applies for special legislation providing for the continuance of its organization, government and administration to exercise suitable powers, rights and privileges; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Inter-
pretation

- (a) "academic unit" means a faculty, school, institute, department or other academic division of the Seminary so designated by the Board;
- (b) "Alumni Association" means the association of individuals who have received degrees or diplomas from the Seminary and who are no longer registered as students;

- (c) "Board" means the Board of Trustees of the Seminary;
- (d) "Charter Corporation" means The Toronto Baptist Seminary as it existed immediately prior to the coming into force of this Act;
- (e) "faculty" means all persons employed by the Seminary who hold the academic rank of professor, associate professor, assistant professor, lecturer or instructor;
- (f) "president" means the president of the Seminary;
- (g) "Seminary" means The Toronto Baptist Seminary, as incorporated by this Act;
- (h) "Senate" means the Senate of the Seminary;
- (i) "student" means a person who is registered as such in a program or course of study of the Seminary that leads to a degree or diploma of the Seminary;
- (j) "year" means the membership term of the Board as established by the Board.

Application of
R.S.O. 1980,
c. 95

(2) The *Corporations Act* applies to the Seminary except to the extent that it is inconsistent with this Act.

Charter
Corporation
re-incorporated

2.—(1) The members of the Board from time to time are hereby constituted a body corporate with perpetual succession and a common seal under the name of "The Toronto Baptist Seminary".

Rights and
liabilities
continued

(2) The property, rights, privileges and powers of the Charter Corporation are hereby continued and vested in the Seminary and the liabilities of the Charter Corporation, together with the benefits and burdens of all contracts and covenants of the Charter Corporation, are hereby continued in and assumed by the Seminary.

By-laws, etc.,
of Charter
Corporation
to continue

(3) Subject to this Act, all by-laws, orders, regulations, resolutions and appointments of the Charter Corporation shall continue as by-laws, orders, regulations, resolutions and appointments of the Seminary until amended, repealed or revoked.

Charter
Corporation
dissolved

(4) The Charter Corporation is dissolved on the day this Act comes into force.

Objects

3. The objects of the Seminary are, to train men and women for Christian service at home and abroad as pastors, missionaries, evangelists and Christian workers.

4.—(1) The Board shall be composed of,

Board of
Trustees,
composition

- (a) the Pastor of the Jarvis Street Baptist Church who shall be an *ex officio* member;
- (b) seven members elected by the members of the Jarvis Street Baptist Church for a term of two years;
- (c) three members elected by the Board for a term of two years;
- (d) the principal of the Seminary who shall be an *ex officio* member; and
- (e) the president of the Alumni Association who shall be an *ex officio* member.

(2) Until the Board is reconstituted in accordance with subsection (1), the members of the Board of Trustees of the Charter Corporation shall be the first members of the Board of the Seminary. First Board

(3) The Board shall by by-law determine the manner and procedure for the election of the members to be elected under clause (1) (c). Procedure
for
elections

(4) The Board may by by-law provide for the election and retirement of the members to be elected under clauses (1) (b) and (c) in rotation. Staggered
terms

(5) Subject to subsection (6), no person shall be elected or appointed as a member of the Board unless he is a Canadian citizen. Citizenship
requirements

(6) Subsection (5) does not apply to a person who was a member of the Board of the Charter Corporation on the day before this Act comes into force. Idem

(7) Members of the Board, if otherwise qualified, are eligible for re-election or re-appointment, as the case may be, except that no member of the Board shall serve more than three consecutive terms, but on the expiration of one year after having served the third of three consecutive terms, such person may again be eligible for membership on the Board. Re-election
and re-
appointment

(8) The limit of three consecutive terms referred to in subsection (7) does not include, Idem

- (a) service on the Board of the Charter Corporation; or

- (b) service on the Board for the balance of an unexpired term for a person who becomes a member of the Board under subsection (9).

Vacancies

(9) Where a vacancy on the Board occurs before the term of office for which such person was elected has expired, the Board, in its sole discretion, shall determine if the vacancy is to be filled and, if so, and notwithstanding any other provision of this Act, the manner and procedure for so doing, and the person filling such vacancy shall hold office for the remainder of the term of the person whose membership is vacant.

Quorum

(10) Unless the by-laws otherwise provide, a majority of the Board constitutes a quorum for the transaction of business, but in no case shall a quorum be less than two-fifths of the Board.

Powers

(11) The government, conduct, management and control of the Seminary and of its property, revenues, expenditures, business and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the Seminary including, without limiting the generality of the foregoing, the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to establish and terminate programs and courses of study after consideration of the recommendations, if any, of the Senate;
- (c) to appoint, promote, suspend and remove the administrative officers of the Seminary and the members of the administrative staff, after consideration of the recommendations, if any, of the Senate;
- (d) to appoint the Principal of the Seminary who shall be the chief academic officer and to define his duties and responsibilities, after consideration of the recommendations, if any, of the Senate;
- (e) to appoint and promote members of the faculty and academic officers, after consideration of the recommendations, if any, of the Senate;
- (f) to grant tenure and leave to and to suspend and remove members of the faculty and the academic officers, after consideration of the recommendations, if any, of the Senate;
- (g) to establish, change and terminate academic units within the Seminary and determine the powers and

duties of any such unit, after consideration of the recommendations, if any, of the Senate;

- (h) to appoint committees and delegate thereto power and authority to act for the Board with respect to any matter or class of matters, but where power and authority to act for the Board are delegated to a committee, a majority of the members of the committee shall be members of the Board;
- (i) to establish and collect fees and charges for tuition and for services of any kind offered by the Seminary and collect fees and charges on behalf of any entity, organization or element of the Seminary;
- (j) to expend such sums as the Board considers necessary for the erection, equipment, furnishing and maintenance of residences and dining halls for the use of the students;
- (k) to borrow money for the purposes of the Seminary and give security therefor on such terms and in such amounts as it determines;
- (l) to invest all money that comes into the Seminary that is not required to be expended, for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of same, in such manner as it considers proper and, except where a trust instrument otherwise directs, to combine trust moneys belonging to various trusts in its care into a common trust fund;
- (m) to acquire, accept, solicit or receive, by purchase, lease, deed, contract, donation, legacy, gift, grant, bequest, devise or otherwise, any kind of real or personal property and to enter into and carry out agreements, contracts and undertakings incidental thereto and to hold any such property for the purpose of drawing a revenue therefrom, and to sell, lease, mortgage, dispose of and convey the same or any part thereof or interest therein as the Board may consider advisable;
- (n) to hold, manage, sell or convert any of the real or personal property from time to time owned by the Seminary and to invest and reinvest any principal in such manner as may from time to time be determined;
- (o) to acquire, accept, solicit or receive any gift of real or personal property, either as an annual or other contri-

bution or as an addition to the fund or funds of the Seminary;

(p) to enact by-laws to regulate the admission of members of the faculty who are of Christian character and who are in full accord with and subscribe to the doctrinal statement of the Seminary as set out in the by-laws and who are in agreement with the aims and objectives of the Seminary;

(q) to appoint a member or members of the Board, or any other person or persons, to execute on behalf of the Board,

(i) documents and other instruments in writing generally, or

(ii) specific documents and other instruments in writing,

and to affix the corporate seal of the Seminary thereto;

(r) to establish from time to time the membership year of the Board; and

(s) to enact by-laws respecting the doctrinal statement of the Seminary.

President

5.—(1) The Pastor of the Jarvis Street Baptist Church shall be the president of the Seminary and shall preside at all meetings of the Board.

Idem

(2) If the president is absent or unable to act, his duties and powers may be exercised by some other officer appointed by the Board for the purpose and, in the exercise of any such duty or power, the absence or inability of the president shall be presumed with reference thereto.

Audit
R.S.O. 1980,
c. 405

6. The Board shall appoint one or more public accountants licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Board at least annually.

Annual
report

7. The Board shall make a financial report annually to the members of the Jarvis Street Baptist Church in such manner as the Board shall determine.

Senate

8.—(1) There shall be a Senate of the Seminary composed of,

(a) the president and the principal who shall be *ex officio* members;

(b) the members of the faculty; and

(c) three members of the Board, other than the president and the principal, appointed by the Board for a term of two years.

(2) The president shall be the chairman of the Senate and a vice-chairman shall be elected by the Senate for a term of two years from among its members in such manner as the Senate may determine. Chairman and vice-chairman

(3) The Senate has, subject to the approval of the Board with Powers respect to the expenditure of funds, the power to determine the academic policy of the Seminary and, without limiting the generality of the foregoing, has the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to make recommendations to the Board to establish and terminate programs and courses of study;
- (c) to determine the curricula of all programs and courses of study, standards of admission to the Seminary and continued registration therein, and the qualifications for graduation;
- (d) to conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners;
- (e) to award fellowships, scholarships, bursaries, prizes and other marks of academic achievement;
- (f) to award diplomas, certificates and licentiates and to grant the degrees of Bachelor of Theology, Bachelor of Religious Education, Master of Divinity, Master of Theology, Master of Religious Education and honorary Doctor of Divinity;
- (g) to appoint committees and delegate thereto power and authority to act for them with respect to any matter or class of matters set out in clauses (b) to (f), but where such power and authority to act are delegated to a committee, a majority of the members of the committee shall be members of the Senate; and
- (h) to do all things necessary for carrying out the powers and duties as set out in clauses (a) to (g).

9.—(1) Subject to subsections (2) and (3), meetings of the Board and of the Senate shall be open to the public and prior Meetings open to public

notice of such meetings shall be given to the members of the Board or the Senate, as the case may be, and to the public in such manner as the Board or the Senate, by by-law, shall respectively determine and no person shall be excluded from a meeting except for improper conduct as determined by the Board or the Senate, as the case may be.

Meetings
in camera

(2) Where matters confidential to the Seminary are to be considered at a meeting of the Board or Senate, the part of the meeting concerning such matters may be held *in camera*.

Idem

(3) Where a matter of a personal nature concerning an individual may be considered at a meeting of the Board or Senate, the part of the meeting concerning the individual shall be held *in camera* unless there is a mutual agreement to the contrary by the Board or the Senate, as the case may be, and the individual.

By-laws

10.—(1) The by-laws of the Seminary and the Senate shall be open to examination by the public during normal office hours.

Idem

(2) The Seminary and the Senate shall publish their by-laws from time to time in such manner as they may respectively consider proper.

Property of
Charter
Corporation

11. All property heretofore or hereafter granted, conveyed, devised or bequeathed or otherwise conveyed to the Charter Corporation, any of its divisions, departments or to any person in trust for or for the benefit of any of the foregoing, subject to any trust affecting the same, vests in the Seminary.

References to
Charter
Corporation

12. For the purposes of construing any instrument or other document unless the contrary intention appears, a reference to the Charter Corporation or any of its divisions or departments shall be construed as a reference to the Seminary.

Non-profit
corporation

13. The Seminary shall be carried on without the purpose of gain for the members of the Board and all profits or other accretions to the Seminary shall be used in promoting its objects.

Application of
R.S.O. 1980,
cc. 63, 65

14. The *Charitable Gifts Act* and the *Charities Accounting Act* apply to the Seminary.

Dissolutions

15. Upon the dissolution of the Seminary and after the payment of all debts and liabilities, the remaining property of the Seminary shall be distributed to or disposed of to the Jarvis Street Baptist Church.

Commence-
ment

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. The short title of this Act is the *Toronto Baptist Seminary Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

DEC 15 1982

Roderick Lewis
CLERK

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An Act respecting
The Toronto Baptist Seminary

1st Reading

November 8th, 1982

2nd Reading

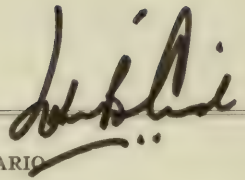
December 7th, 1982

3rd Reading

December 7th, 1982

Ms. FISH

BILL Pr45

A handwritten signature in dark ink, appearing to be 'L. P. P.', is written over the top right of the page, partially overlapping the bill number and the session information.

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

**An Act respecting Ontario Bible College and
Ontario Theological Seminary**

MR. WILLIAMS

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL Pr45

1982

An Act respecting Ontario Bible College and Ontario Theological Seminary

WHEREAS Ontario Bible College hereby represents that it Preamble
or its predecessors have been in existence since 1894; that the predecessors of Ontario Bible College are Toronto Bible College and The London Bible Institute; that the said Toronto Bible College was founded in 1894 in Toronto and incorporated by declaration of incorporation, dated the 14th day of January, 1898, under the name "The Toronto Bible Training School"; that its name was changed by order-in-council, dated the 10th day of December, 1912, to "The Toronto Bible College"; that it was reincorporated by letters patent dated the 20th day of January, 1916, as "Toronto Bible College" with the purpose "to train men and women for Christian work at home and abroad in the knowledge and practical use of the English Bible on an inter-denominational basis"; that its objects were extended by supplementary letters patent, dated the 17th day of November, 1955 "to award degrees on compliance with prescribed standards and completion of prescribed courses of study ..."; that its provisions relating to membership were varied by supplementary letters patent dated the 12th day of August, 1960; that The London Bible Institute was incorporated by letters patent dated the 9th day of December, 1938; that its name was changed by supplementary letters patent dated the 7th day of July, 1950 to "The London Bible Institute and Theological Seminary" and its objects were extended "to grant the following degrees, namely Bachelor of Theology, Bachelor of Religious Education, Bachelor of Divinity, Doctor of Divinity and otherwise generally such advanced degrees in the field of religious study as may be appropriate ..."; that its name was changed by supplementary letters patent dated the 2nd day of March, 1962 to "London College of Bible and Missions"; that its name was changed to "Ontario Bible College" by supplementary letters patent dated the 27th day of September, 1968; that Toronto Bible College and Ontario Bible College amalgamated by letters patent of amalgamation dated the 1st day of May, 1971 to form one corporation under the name "Ontario Bible College" with the continuing rights "to grant the following degrees, namely Bachelor of

Theology, Bachelor of Religious Education, Doctor of Divinity and other appropriate degrees in the field of religious study"; and whereas the applicant hereby applies for special legislation providing for the continuance of its organization, government and administration, to exercise suitable powers, rights and privileges; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation

1.—(1) In this Act,

- (a) "academic unit" means a college, faculty, school, institute, seminary, department or other academic division of the College so designated by the Board;
- (b) "Alumni Association" means the association of individuals who have received degrees, diplomas or certificates from the College and who are no longer registered as students;
- (c) "Board" means the Board of Governors of the College;
- (d) "Cabinet" means the President's Cabinet of the College;
- (e) "Charter Corporation" means Ontario Bible College as it existed immediately prior to the coming into force of this Act;
- (f) "College" means Ontario Bible College and Ontario Theological Seminary;
- (g) "faculty" means all persons employed by the College who hold the academic rank of professor, associate professor, assistant professor, lecturer or instructor;
- (h) "student" means a person who is registered as such in a program or course of study at the College that leads to a degree, diploma or certificate of the College;
- (i) "year" means the membership year of the Board as established by the Board.

Application of
R.S.O. 1980,
c. 95

(2) The *Corporations Act* applies to the College, except to the extent that it is inconsistent with this Act.

Charter
Corporation
reincorporated

2.—(1) The members of the College from time to time are hereby constituted a body corporate with perpetual succession

and a common seal under the name of "Ontario Bible College and Ontario Theological Seminary".

(2) The property, rights, privileges and powers of the Charter Corporation are hereby continued and vested in the College and the liabilities of the Charter Corporation together with the benefits and burdens of all contracts and covenants of the Charter Corporation are hereby continued in and assumed by the College. Rights and liabilities continued

(3) Subject to this Act, all by-laws, orders, regulations, resolutions and appointments of the Charter Corporation shall continue as by-laws, orders, regulations, resolutions and appointments of the College until amended, repealed or revoked. By-laws, etc., continued

(4) The Charter Corporation is dissolved on the day this Act comes into force. Charter Corporation dissolved

3.—(1) The objects of the College are, Objects

(a) to train men and women for Christian service at home and abroad in the knowledge and practical use of the Bible on an interdenominational basis; and

(b) to develop Christian character and maturity through sound Biblical and theological instruction, and through the practice of a devotional life, both personal and corporate, through Christian service opportunities and through a thorough understanding of man and contemporary issues in our society from a Christian perspective.

(2) The College shall be carried on without the purpose of gain for its members and all profits or other accretions to the College shall be used in promoting its objects. Non-profit corporation

4.—(1) The affairs of the College shall be managed by the Board of Governors, each of whom, at the time of his election or within ten days thereafter and throughout his term of office, shall be a member of the College. Board of Governors

(2) The Board shall consist of twenty-five persons until it is reduced or increased in size in accordance with subsection (11). Composition

(3) The president of the Alumni Association shall be an *ex officio* member of the Board. Ex officio membership

(4) Until the Board is reconstituted in accordance with subsection (5), the members of the Board shall be the persons named in the Schedule hereto. First members

Election
and term
of office

(5) Subject to subsections (3), (9) and (10), the Governors shall be elected by the members of the College at the annual meeting of the members and shall hold office for a period of three years.

Staggered
terms

(6) The Board may by by-law provide for the election and retirement of Governors in rotation.

Re-election,
maximum
term of
office

(7) Subject to section 8, a retiring Governor is eligible for re-election, if otherwise qualified, except that no member of the Board shall serve for more than three consecutive terms, but on the expiration of one year after having served the third of three consecutive terms, such person shall again be eligible for membership on the Board.

Idem

(8) The limit of three consecutive terms referred to in subsection (7) does not include service on the Board prior to the day this Act comes into force, service on the Board as the President of the College or the president of the Alumni Association, or service on the Board for the balance of an unexpired term for a person who becomes a member of the Board under subsection (9).

Vacancies

(9) Where a quorum of Governors remains in office, any vacancy occurring in the Board may be filled for the remainder of the term of the person whose membership is vacant by the Governors then in office from among the qualified members of the College but, where the vacancy is not filled by the Board, the vacancy shall be filled at the next annual meeting of the members of the College at which the Governors for the ensuing term are elected, and the person so elected shall serve for the remainder of the term of the person whose membership is vacant.

Idem

(10) If, as a result of a vacancy occurring in the Board, there is no longer a quorum of the Board, the remaining members of the Board shall forthwith call a meeting of the members of the College to fill all vacancies on the Board.

Variation

(11) Notwithstanding subsection (2), the Board may by by-law reduce or increase the size of the Board but the Board shall not be reduced to less than twenty-one Governors and such by-law shall not become effective until such time as it has been confirmed by the members of the College.

Quorum

(12) Unless the by-laws otherwise provide, a majority of the Board constitutes a quorum for the transaction of business, but in no case shall a quorum be less than two-fifths of the Board.

Majority
vote

(13) Questions arising at any meeting of the Board shall be decided by a majority of votes.

Deciding
vote

(14) In case of an equality of votes, the chairman of the Board, in addition to his original vote, shall have a second and deciding vote.

(15) Subject to subsection (16), no person shall be elected a ^{Citizenship} member of the Board unless he is a Canadian citizen.

(16) Subsection (15) does not apply to a person who was a ^{Idem} member of the Board of the Charter Corporation on the day before this Act comes into force.

(17) The government, conduct, management and control of ^{Powers} the College and of its property, revenues, expenditures, business and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the College including, without limiting the generality of the foregoing, the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to establish and terminate programs and courses of study after consideration of the recommendations, if any, of the Cabinet and the faculty;
- (c) to appoint, promote, suspend and remove the administrative officers of the College and the members of the administrative staff;
- (d) to appoint and promote members of the faculty and academic officers;
- (e) to grant tenure and leave to and to suspend and remove the academic officers and members of the faculty;
- (f) to establish, change and terminate academic units within the College and determine the powers and duties of any such unit;
- (g) to appoint committees and delegate thereto power and authority to act for the Board with respect to any matter or class of matters, provided that where power and authority to act for the Board are delegated to a committee, a majority of the members of the committee shall be members of the Board;
- (h) to federate or affiliate the College with any other institution of higher learning;
- (i) to establish and collect fees and charges for tuition and for services of any kind offered by the College and collect fees and charges on behalf of any entity, organization or element of the College;

- (j) to borrow money for the purposes of the College and give security therefor on such terms and in such amounts as it may deem advisable;
- (k) to invest all money that comes into the College that is not required to be expended, for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of same, in such manner as it considers proper and, except where a trust instrument otherwise directs, to combine trust moneys belonging to various trusts in its care into a common trust fund;
- (l) to acquire, accept, solicit or receive, by purchase, lease, deed, contract, donation, legacy, gift, grant, bequest, devise or otherwise, any kind of real or personal property and to enter into and carry out agreements, contracts and undertakings incidental thereto and to hold any such property and for the purpose of drawing a revenue therefrom, and to sell, lease, mortgage, dispose of and convey the same or any part thereof or interest therein as the Board may consider advisable;
- (m) to hold, manage, sell or convert any of the real or personal property from time to time owned by the College and to invest and reinvest any principal in such manner as may from time to time be determined;
- (n) to acquire, accept, solicit or receive any gift of real or personal property, either as an annual or other contribution or as an addition to the fund or funds of the College;
- (o) to enact by-laws to regulate the admission of individuals of Christian character who are in full accord with and subscribe to the doctrinal statement of the College as set out in the by-laws and who are in agreement with the aims and objectives of the College as members and to establish classes of members and the qualifications of and the conditions of such classes of membership;
- (p) to appoint a member or members of the Board, or any other person or persons, to execute on behalf of the Board,
 - (i) documents and other instruments in writing generally, or
 - (ii) specific documents and other instruments in writing,

and to affix the corporate seal of the College thereto;
and

- (q) to establish from time to time the membership year of the Board.

(18) Subject to subsections (19) and (20), a meeting of the Board shall be open to the public and prior notice of the meeting shall be given to the members of the Board and to the public in such manner as the Board, by by-law, shall determine, and no person shall be excluded from a meeting except for improper conduct as determined by the Board. Meeting open to the public

(19) Where matters confidential to the College are to be considered, the part of the meeting concerning such matters may be held *in camera*. Meetings in camera

(20) Where a matter of a personal nature concerning an individual may be considered at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless there is a mutual agreement to the contrary by the Board and the individual. Idem

5.—(1) There shall be a Cabinet of the College, to be known as the President's Cabinet, composed of, Cabinet

- (a) the President of the College;
- (b) the Dean of Ontario Bible College;
- (c) the Dean of any academic unit;
- (d) the administrative assistants to the President of the College; and
- (e) such other persons as may be appointed by the Board.

(2) The Cabinet and the faculty, acting together, shall have the following powers and duties: Powers and duties of Cabinet and faculty

1. To make recommendations to the Board to establish and terminate programs and courses of study.
2. To determine the curricula of all programs and courses of study, standards of admission to the College and continued registration therein, and the qualifications for graduation.
3. To conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners.

4. To award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement.
5. To grant the degrees of Bachelor of Theology, Bachelor of Religious Education, Bachelor of Sacred Music, Master of Theology, Master of Religious Education, Master of Theological Studies, Master of Divinity, Doctor of Ministry, Doctor of Theology and the honorary degree of Doctor of Divinity.
6. To appoint committees and delegate thereto power and authority to act for them with respect to any matter or class of matters set out in paragraphs 1 to 5, provided that where such power and authority to act are delegated to a committee, a majority of the members of the committee shall be members of the Cabinet, the faculty or a combination thereof.
7. To do all things necessary for carrying out the powers and duties as set out in paragraphs 1 to 6.

By-laws open
for public
inspection

6.—(1) The by-laws of the College shall be open to examination by the public during normal business hours.

Publication
of by-laws

(2) The College shall publish its by-laws from time to time in such manner as it considers proper.

Members of
the College

7.—(1) Membership of the College will be comprised of the members of the Charter Corporation and such other individuals as are from time to time admitted as members by the Board, but at no time shall the membership number be less than that of the Board.

Admission
of members

(2) Notwithstanding subsection 4 (13), members of the College shall be admitted by a two-thirds vote of the Board at a meeting duly called to consider their election or at a regular meeting of the Board.

Annual
meeting

(3) Members of the College shall meet annually for the purpose of receiving the audited financial reports and other reports, to elect Governors, to appoint one or more public accountants licensed under the *Public Accountancy Act* to audit the accounts and transactions of the College at least annually, and for the general transaction of any business which might arise.

R.S.O. 1980,
c. 405

Special or
general
meetings

(4) The Board may call special or general meetings of the members of the College at any time.

Quorum

(5) Unless the by-laws otherwise provide, a majority of the members of the College constitutes a quorum for the transaction

of business, but in no case shall a quorum be less than two-fifths of the members.

(6) Subject to the provisions of this or any other Act and the by-laws of the College, questions arising at any meeting of the members of the College shall be decided by a majority of the votes. Voting

(7) Each member in good standing shall be entitled to one vote on each question arising at any special or general meeting of the members. Idem

(8) In case of an equality of votes, the President of the College, in addition to his original vote, shall have a second and deciding vote. Deciding vote

(9) Notice of the time and place of every special or general meeting shall be given to each member of the College by sending notice by prepaid post or telegraph ten days before the time fixed for the holding of such meeting. Notice

(10) Any meeting of the members of the College may be adjourned to any time and from time to time and such business may be transacted at such adjourned meeting as might have been transacted at the original meeting from which such adjournment took place and no notice shall be required of any such adjourned meeting. Adjourned meetings

8.—(1) There shall be a President, a secretary and a treasurer, or in lieu of a secretary and a treasurer, a secretary-treasurer of the College, a chairman, and a vice-chairman of the Board, and such other officers as the Board may determine from time to time. Officers

(2) The President of the College, the chairman and vice-chairman of the Board shall be elected by the Board from among the Governors appointed or elected under section 4 at the first meeting of the Board after the annual meeting of the College but, in default of such elections, the then incumbents being members of the Board shall hold office until their successors are elected. Election of President, chairman and vice-chairman

(3) The secretary and treasurer or secretary-treasurer of the College and any other officers that may be appointed by the Board need not be members of the Board or of the College. Appointment of officers

(4) The chairman of the Board shall preside at meetings of the Board and, in his absence, the vice-chairman shall preside at such meetings or, in their absence, the President. Chairman to preside at meetings of the Board

President to
preside at
meetings of
the College
Absence of
President

(5) The President shall preside at all meetings of the College.

(6) When the President is absent or unable to act, his duties and powers may be exercised by some other officer appointed by the Board for the purpose and, in the exercise of any such duty or power, the absence or inability of the President shall be presumed with reference thereto.

Property
of Charter
Corporation

9. All property heretofore or hereafter, by statute or otherwise, granted, conveyed, devised or bequeathed to the Charter Corporation, any of its divisions, departments, or the College or any of its academic units or to any person in trust for or for the benefit of any of the foregoing, subject to any trust affecting the same, vests in the College.

Reference
to Charter
Corporation
deemed
reference
to College

10. For the purposes of construing any instrument, Act or regulation, unless the contrary intention appears, a reference to the Charter Corporation or any of its divisions or departments shall be construed as a reference to the College.

Application of
R.S.O. 1980,
cc. 63, 65

11. The *Charitable Gifts Act* and the *Charities Accounting Act* apply to the College.

Dissolution

12. Upon the dissolution of the College and after the payment of all debts and liabilities, the remaining property of the College shall be distributed or disposed of to charitable organizations in Canada having objects of a religious nature as similar as possible to those of the College.

Commence-
ment

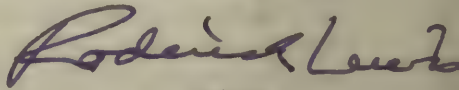
13. This Act comes into force on the day it receives Royal Assent.

Short title

14. The short title of this Act is the *Ontario Bible College and Ontario Theological Seminary Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

DEC. 15 1982



CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE

FIRST GOVERNORS

Dr. Victor Adrian
Mr. Hugh James Anderson
Mr. David George Cleveland Andrus
Dr. Steward Lorne Boehmer
Mr. Harold Nelson Botsford
Mr. William Thomas David Cross
Mr. Alexander David Fisher
Mr. Douglas Vivian Gonder
Dr. Gerald Baden Griffiths
Mr. Howard Eldon Hunt
Mr. Gordon Henry Johnson
Mr. John Isaac Love
Dr. William David Edison Matthews
Mr. John Alexander McCleery
Mr. Robert McClintock
Mr. Lorne Percy Millar
Mr. Geoffrey Lloyd Moore
Rev. Howard Dorman Quinton
Mr. James Thornton Rawson
Mr. Derrick Kenneth Schwartzel
Mr. Allen Norman Scott
Mr. Leonard Claude Simmonds
Miss Patricia Ann Slade
Mr. Roy Gordon Tredgett
Mr. Wilfred Joseph Wright

An Act respecting Ontario Bible
College and Ontario Theological Seminary

1st Reading

November 8th, 1982

2nd Reading

December 7th, 1982

3rd Reading

December 7th, 1982

MR. WILLIAMS

BILL Pr46

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

John B. ...

An Act respecting the City of Orillia

MR. McLEAN

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Handwritten signature

THE UNIVERSITY OF CHICAGO

Handwritten text, possibly a date or reference number

BILL Pr46

1982

An Act respecting the City of Orillia

WHEREAS The Corporation of the City of Orillia, herein Preamble
 called the Corporation, hereby represents that *The Town of Orillia Act, 1960*, being chapter 159, validated and confirmed a by-law of the Corporation which established The Leacock Memorial Home Board and provided for the operation and maintenance of The Stephen Leacock Memorial Home; that *The City of Orillia Act, 1970*, being chapter 159, established The Orillia Parks, Community Centres and Recreation Commission to perform the functions of a board of parks management, community centre board and recreation commission; that the powers of the said Board and the said Commission may now be exercised by the council of the Corporation under the *Municipal Act*; and R.S.O. 1980, c. 302
 whereas the council of the Corporation considers it in the best interests of its citizens that the functions of the said Board and the said Commission be placed under the direct control of the council; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Leacock Memorial Home Board and The Orillia Commission and Board dissolved
 Parks, Community Centres and Recreation Commission are hereby dissolved, and all of the powers, rights, duties, obligations and privileges conferred and imposed upon the Board and the Commission and all of their undertakings, assets and liabilities shall be assumed by the Corporation without compensation.

2. All by-laws of the Board and the Commission shall By-laws continued
 continue as by-laws of the Corporation until amended or repealed.

3. Upon the dissolution of the Board and the Commission, Employees of Commission
 the employees thereof shall become employees of the Corporation and all terms and conditions of employment respecting such employees, including, without limiting the generality of the

foregoing, seniority, remuneration and other benefits in force, shall be assumed by the Corporation.

Repeals

4. The following are repealed:

1. *The Town of Orillia Act, 1960*, being chapter 159.

2. *The City of Orillia Act, 1970*, being chapter 159.

Commence-
ment

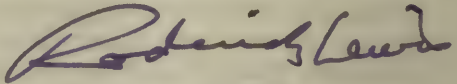
5. This Act comes into force on the 1st day of January, 1983.

Short title

6. The short title of this Act is the *City of Orillia Act, 1982*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

DEC. 15 1982



CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the City of Orillia

1st Reading

November 15th, 1982

2nd Reading

December 7th, 1982

3rd Reading

December 7th, 1982

MR. MCLEAN

BILL Pr47

2ND SESSION, 32ND LEGISLATURE, ONTARIO
31 ELIZABETH II, 1982

An Act respecting the Ukrainian Cultural Centre

MR. SHYMKO

TORONTO

PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL Pr47

1982

An Act respecting the Ukrainian Cultural Centre

WHEREAS the Ukrainian Cultural Centre, herein called the Centre, hereby represents that it was incorporated by letters patent dated the 17th day of June, 1957; that the Centre is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the Centre has a freehold interest in lands and premises known municipally as 83-85 Christie Street, in the City of Toronto; that the Centre hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it in the City of Toronto, from municipal taxation except for local improvement rates; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Centre" means the Ukrainian Cultural Centre;
- (b) "Corporation" means The Corporation of the City of Toronto;
- (c) "council" means the council of the Corporation.

2.—(1) The council may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, of the Centre, being the lands and buildings known as 83-85 Christie Street, as described in the Schedule, so long as the land is occupied and used solely for the purposes of the Centre.

Tax
exemptionR.S.O. 1980,
c. 31

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Idem

3.—(1) Without restricting the generality of section 2, the council may provide that a by-law passed under section 2 does

Agreement
to repay
where lands
sold

not come into force unless the Centre enters into an agreement with the Corporation whereby, if the land exempted from taxes is sold, leased or otherwise disposed of, then the taxes foregone in the preceding period of ten years or in the period since the by-law was passed, whichever period is shorter, shall immediately become payable to the Corporation.

Transfer of
agreement

(2) An agreement entered into under subsection (1) may provide that, if the Centre sells, leases or otherwise disposes of the exempted land and acquires other land which it occupies and uses solely for its purposes, the Corporation may postpone the collection of the taxes foregone until such time as the substituted land is disposed of by sale, lease or otherwise.

Transfer of
exemption

(3) Where an agreement has been entered into under subsection (1) and the Centre sells, leases or otherwise disposes of the land and acquires other land which it occupies and uses solely for its purposes, the City may, by by-law, transfer the tax exemption under section 2 to the substituted land.

Registration
of
agreement

(4) An agreement made under subsection (1) may be registered against the title of the land affected thereby in the proper land registry office and, when so registered, the amounts payable under the agreement shall, until paid, be a lien or charge upon the land described therein and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as real property taxes.

Idem

(5) Where land is substituted for the land described in an agreement made under subsection (1), the Corporation may register the agreement against the title of the substituted land, notwithstanding that the substituted land is not described in the original agreement and, upon registration of an agreement under this subsection, the land described in an agreement registered under subsection (4) is discharged from the lien or charge described in that subsection and the amounts payable under the agreement shall, until paid, be a lien or charge upon the substituted land and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as real property taxes.

Reimburse-
ment of
other taxing
authorities

(6) Where the Corporation receives a payment under an agreement made under subsection (1), the Corporation shall retain for its own use, its share of the taxes foregone and shall reimburse The Municipality of Metropolitan Toronto and The Board of Education for the City of Toronto and The Metropolitan Toronto School Board and the Metropolitan Separate School Board for their share of the taxes foregone.

Repeal of
by-law

(7) Notwithstanding that an agreement has been entered into under subsection (1), the council may at any time repeal a by-law

passed under section 2 or under subsection (3) without affecting the validity of the agreement and the repeal of the by-law does not accelerate the time for the repayment under the agreement of any taxes foregone.

4. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under section 2 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*. Deemed exemption
R.S.O. 1980,
cc. 314, 31

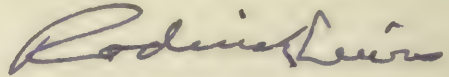
5. This Act comes into force on the day it receives Royal Assent. Commence-
ment

6. The short title of this Act is the *Ukrainian Cultural Centre Act, 1982*. Short title

SCHEDULE

Those parcels of land situate in the City of Toronto, in The Municipality of Metropolitan Toronto, described as Section M-227, parcels 20-1, 23-1, 28-1 in the Land Titles Division of Metropolitan Toronto (No. 66).

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 15 1982



CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
Ukrainian Cultural Centre

1st Reading

November 18th, 1982

2nd Reading

December 7th, 1982

3rd Reading

December 7th, 1982

MR. SHYMKO

Bill Pr48

An Act to revive Glanworth Investments Limited

Mr. Cousens

<i>1st Reading</i>	December 6th, 1982
<i>2nd Reading</i>	January 25th, 1983
<i>3rd Reading</i>	January 25th, 1983
<i>Royal Assent</i>	January 27th, 1983

Bill Pr48

1982

An Act to revive Glanworth Investments Limited

Whereas Joanne Overzet hereby represents that Glanworth Investments Limited, herein called the Corporation, was incorporated by letters patent dated the 22nd day of May, 1968; that the Minister of Consumer and Commercial Relations by order dated the 7th day of July, 1980 and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for failure to comply with *The Corporations Tax Act*, 1972, being chapter 143, and declared the Corporation to be dissolved on the 7th day of July, 1980; that the applicant was the sole director and holder of all the issued shares of the Corporation at the time of its dissolution; that the failure to comply with the said Act occurred by reason of inadvertence; that the Corporation, at the time of its dissolution, was carrying on active business and active business has continued to be carried on in the name of the Corporation since that time; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Glanworth Investments Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Revival

2. This Act comes into force on the day it receives Royal Assent.

Commencement

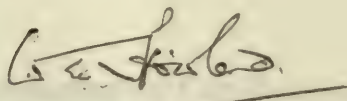
3. The short title of this Act is the *Glanworth Investments Limited Act, 1983*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

Jan 27 1983

Roderick Lewis



Bill Pr50

*(Chapter Pr6
Statutes of Ontario, 1983)*

An Act respecting the Certified General Accountants Association of Ontario

Mr. Williams

<i>1st Reading</i>	December 2nd, 1982
<i>2nd Reading</i>	February 8th, 1983
<i>3rd Reading</i>	February 8th, 1983
<i>Royal Assent</i>	February 23rd, 1983

Bill Pr50

1982

An Act respecting the Certified General Accountants Association of Ontario

Whereas The Certified General Accountants Association of Ontario hereby represents that it was incorporated under the laws of Ontario by letters patent dated the 2nd day of August, 1957; that the Association is desirous of being continued as a corporation for the purpose of carrying out the objects of the Association and of the government and discipline of its members; and whereas the Association considers it desirable to grant to members of the Association the right to use the designation "Certified General Accountant"; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) "Association" means The Certified General Accountants Association of Ontario;
- (b) "Board" means the Board of Governors of the Association;
- (c) "by-law" means a by-law of the Association;
- (d) "registered" means registered as a member under this Act, and "registration" has a corresponding meaning;
- (e) "registrar" means the registrar of the Association;
- (f) "student" means a student of the Association as provided for in this Act.

2.—(1) The Certified General Accountants Association of Ontario is hereby continued as a corporation without share

Association continued

capital and the persons registered as members of the Association on the day this Act comes into force and such other persons as hereafter become members of the Association constitute the corporation.

Continuation
of present
Board

(2) The members of the Board and the officers of the Association in office immediately prior to the coming into force of this Act are hereby continued in office until their successors are appointed or elected in accordance with this Act and the by-laws.

Letters
patent
revoked

(3) The letters patent of the Association are revoked, but the revocation of the letters patent does not affect the rights or obligations of the Association or any by-law, resolution or appointment of the Association except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Special Act
corporation

(4) The Association shall be deemed to be a corporation incorporated by a special Act.

Objects

3. The objects of the Association are,

- (a) to furnish means and facilities by which members of the Association and students may increase their knowledge, skill and efficiency in all things related to the business or profession of an accountant;
- (b) to hold examinations and prescribe tests of competency deemed appropriate to qualify for admission to membership in the Association; and
- (c) to maintain discipline among members of the Association and students.

Powers

4. For the purposes of carrying out its objects, the Association has the capacity and the powers of a natural person.

Board of
Governors

5.—(1) The affairs of the Association shall be managed by the Board of Governors.

Composition

(2) The Board shall consist of not fewer than fifteen or more than thirty-five members of the Association, as the Board may from time to time determine, elected from the membership of the Association.

Idem

(3) The Association may by by-law provide for the appointment to the Board of up to three persons who are not members of the Association.

(4) The manner of electing the members of the Board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the Board and other necessary details shall be as set out in the by-laws. Idem

(5) At any meeting of the Board, a majority of the members of the Board constitutes a quorum. Quorum

(6) The Board shall elect from its number a president, an executive vice-president and three other vice-presidents and shall appoint a secretary-treasurer or a secretary and a treasurer, who need not be a member of the Board. Chairman, etc.

(7) In the case of the death, resignation or incapacity of any member of the Board, the office shall be declared vacant by the Board and the Board shall fill the vacancy in such manner as may be provided by the by-laws of the Association for the balance of the term and, for the purposes of this subsection, absence from three consecutive meetings of the Board may be treated by the Board as incapacity. Vacancies

(8) The Board shall appoint a registrar, who need not be a member of the Board, and the registrar shall perform the functions assigned to him by this Act and such other duties as may be assigned to him by the Board. Registrar

6. At any general or special meeting, members of the Association may be represented and vote by proxy, but, Proxies

(a) no proxy shall be exercised by a person who is not a member of the Association; and

(b) the proxy shall be exercised in accordance with the by-laws on voting and proxies.

7.—(1) The Board may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, in addition to the matters specifically provided elsewhere in this Act, the Board may pass by-laws, By-laws

(a) prescribing the qualifications for and conditions of registration for students;

(b) prescribing a curriculum and courses of study to be pursued by students and the subjects upon which students and candidates for admission as members of

the Association shall be examined, and for granting certificates to students and candidates who have successfully passed the examinations;

- (c) regulating and governing the conduct of members of the Association in the practice of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice, and by providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;
- (d) prescribing fees payable to the Association;
- (e) governing the calling, holding and conducting of meetings of the Board and of the members of the Association;
- (f) establishing and providing for the administration of a benevolent fund for the benefit of any member of the Association or the families of deceased members of the Association who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Association; and
- (g) authorizing the making of grants for any purpose that may tend to advance accounting knowledge and education, or improve standards of practice in accounting, or support and encourage public information and interest in the past and present role of accounting in society.

Confirmation
of by-laws

(2) Every new by-law or change to an existing by-law is effective when it is passed by the Board but expires with the close of the next annual meeting of the members of the Association held after its passing, unless it is confirmed by the meeting.

Inspection of
by-laws

(3) The by-laws of the Association shall be open to examination by the public at the head office of the Association during normal office hours.

Membership

8.—(1) The Association will grant a membership in the Association to any individual who applies therefor in accordance with the by-laws, if the individual,

- (a) is of good character;
- (b) is not less than eighteen years of age;

- (c) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; and
- (d) has passed such examinations as the Board may set or approve in accordance with the by-laws.

(2) The registrar shall keep a register in which shall be entered the names of all members of the Association in good standing and only those persons so registered are members entitled to the privileges of membership in the Association.

Register

(3) The register shall be open to examination by the public at the head office of the Association during normal office hours.

Inspection of register

(4) An individual who is qualified for membership in the Association who has been refused membership or a person who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of court, from the refusal to grant membership or from the sanction.

Appeals

(5) Where a person appeals to the Divisional Court, the registrar shall forthwith file in the Divisional Court a record of the proceeding that resulted in failure or a refusal to grant membership or the decision of the committee imposing a sanction which, together with any transcript of evidence, if there is one, shall constitute the record in the appeal.

Record

(6) An appeal under this section may be made on questions of law or fact, or both, and the Court may rescind any decision, may exercise all powers of any committee and may direct the Association to take any action that the Association is empowered to take as the Court considers proper and, for such purposes, the Court may substitute its opinion for that of any committee or of the Association or the Court may refer the matter back for rehearing in whole or in part, in accordance with such directions as the Court considers proper.

Powers of Court

9.—(1) Every member of the Association may use the designation "Certified General Accountant" and may use after his name the initials "C.G.A." indicating that he is a Certified General Accountant.

Designation

(2) Any person in Ontario who, not being a registered member of the Association, takes or uses the designation "Certified General Accountant" or "C.G.A." alone or in combination with any other word, name, title, initial or description, or

Offence

implies, suggests or holds out that he is a Certified General Accountant is guilty of an offence.

Evidence

(3) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register, and any certificate upon such copy of the register purporting to be signed by a person in his capacity as registrar is proof, in the absence of evidence to the contrary, that such a person is the registrar without any proof of his signature or of his being in fact the registrar.

Idem

(4) The absence of the name of any person from a copy of the register produced under subsection (3) is proof, in the absence of evidence to the contrary, that the person is not registered.

Right to
practise
unaffected

10.—(1) This Act does not affect or interfere with the right of any person who is not a member of the Association to practise as an accountant in the Province of Ontario.

Application
of R.S.O.
1980, c. 405

(2) The rights and privileges of a member of the Association do not include the right to practise as a public accountant, as defined in the *Public Accountancy Act*, unless the member is licensed under that Act.

Surplus

11. Any surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

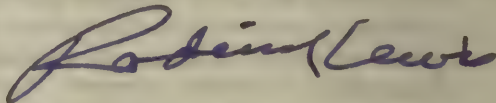
Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. The short title of this Act is the *Certified General Accountants Association of Ontario Act, 1983*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE February 23, 1983



CLERK
LEGISLATIVE ASSEMBLY

Bill Pr51

An Act to revive Beth Sholom Synagogue

Mr. Rotenberg

<i>1st Reading</i>	December 7th, 1982
<i>2nd Reading</i>	January 25th, 1983
<i>3rd Reading</i>	January 25th, 1983
<i>Royal Assent</i>	January 27th, 1983

Bill Pr51

1982

An Act to revive Beth Sholom Synagogue

Whereas Mendel Green, Philip Stein, Alexander Serota and Samuel Zale hereby represent that Beth Sholom Synagogue, herein called the Corporation, was incorporated by letters patent dated the 25th day of January, 1947; that the Minister of Consumer and Commercial Relations, by order dated the 17th day of July, 1979 and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of *The Corporations Information Act, 1976*, being chapter 66, and declared the Corporation to be dissolved on the 17th day of July, 1979; that the applicants are directors of Beth Sholom Synagogue; that notice of the default was apparently sent to the Corporation at its address as shown on the files of the Ministry of Consumer and Commercial Relations; that the default occurred by reason of inadvertence; that none of the applicants was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of the dissolution was carrying on the religious and other charitable functions authorized by its letters patent and since that time those functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Beth Sholom Synagogue is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Corporation
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Beth Sholom Synagogue Act, 1983*.

PRESENTED TO BY LIEUTENANT-GOVERNOR

Jan 27 1983

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

